

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

CHAPTER 560-2-1

~~560-2-1-.01-Organization. Amended. Repealed.~~

- ~~(1) The Rules and Regulations and Forms contained herein are hereby promulgated pursuant to authority contained in the Georgia Alcoholic Beverage Code as amended (Ga.L. 1980, pp. 1573, et seq.).~~
- ~~(2) All words and terms used herein are used as defined by the Act unless otherwise defined herein or unless the context in which such words or terms are used clearly indicate that they shall be given their usual and ordinary meaning.~~
- ~~(3) The Alcohol and Tobacco Tax Unit, Field Services Division of the Department of Revenue is responsible to the Commissioner for the administration of the Georgia Alcoholic Beverage Code.~~

**560-2-1-.02 Personnel of Department Prohibited From
Dealing in Beverage Alcohol; Exception. Repealed.**

~~Employees of the Alcohol and Tobacco Division and the Compliance Division of the Department are prohibited from employment within the beverage alcohol trade. Other employees of the Department may be employed within the beverage alcohol trade when such employment would pose no conflict of interest or interference with the performance by the employee of his duties as an employee of the Department. Each employee of the Department desiring such employment within the beverage alcohol trade shall first obtain written approval for such employment from the Department.~~

560-2-1-.03 Retention of Weapon and Badge Upon Retirement. Repealed.

~~(1) Upon service retirement from the department under honorable conditions, a special agent or enforcement officer who has accumulated a minimum 25 years of service as a law enforcement officer with the Department will be eligible to retain his or her Department issued handgun, badge, and a "retired" Department Identification Card.~~

~~(2) When a sworn special agent or a sworn enforcement officer separates from the Department as a result of disability arising out of performance of official duties, the special agent or enforcement officer will be eligible to retain his or her weapon, badge and disability" Department Identification Card as part of their compensation. The term "disability" is defined to mean an impairment that prevents a person from working as a law enforcement officer.~~

~~(3) A special agent or enforcement officer who is eligible to retain their weapon, badge, and "retired" Department Identification Card shall file a request in writing as soon as separation date is known. The request shall include the law enforcement officer or special agent's full name, Employee Identification Number, Social Security Number, badge number, the make, model and serial number of the weapon, dates of creditable service, and residence location address. If available, at the time of application, a copy of the qualifying retirement or disability documentation shall be attached to the request.~~

~~(4) The Commissioner shall evaluate the conditions of departure prior to approving or denying the request. The request may be denied if:~~

~~(a) The special agent or enforcement officer does not have 25 years of creditable service at time of retirement;~~

~~(b) The special agent or enforcement officer does not retire under honorable conditions;~~

~~(c) The special agent or enforcement officer separates from the Department for reasons other than retirement or disability arising out of performance of official duties.~~

~~(d) The employee is approved for disability retirement for reasons of mental instability.~~

~~(e) The employee is separated from the Department pending a disciplinary action.~~

~~(f) Where issuance of the firearm would be contrary to the public safety and welfare.~~

~~(5) The Commissioner shall permanently keep on file all approved requests and such other documentation as may be required concerning disposal of the weapon, badge and Department Identification Card.~~

~~(6)(a) The Commissioner shall not be responsible for any liability associated with providing such weapon to the special agent or enforcement officer pursuant to Title 3.~~

~~(b) The Commissioner shall not be responsible for the continued training or qualification of the special agent or enforcement officer with the weapon provided pursuant to Title 3.~~

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

CHAPTER 560-2-2

560-2-2-.01 Definitions: Repealed.

As used in these Regulations:

(a) ~~"Act" shall mean the Georgia Alcoholic Beverage Code Amended.~~

(b) ~~"Alcohol" as defined by the Act means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.~~

(c) ~~"Alcoholic Beverage" as defined by the Act means and includes all alcohol, distilled spirits, beer, malt beverage, wine, or fortified wine.~~

(d) ~~"Alcohol Product" is defined as distilled spirits, malt beverages, wine, fortified wine, and hard cider as defined by the Act.~~

(e) ~~"Alcohol Type" is defined as the various derivatives of Alcohol Products such as bourbon, gin and vodka for distilled spirits, chardonnay and pinot noir for wine and lager and ale for beer.~~

(f) ~~"Brand" shall mean the manufacturers of "Alcohol Products."~~

(g) ~~"Brand Label" shall be the differences in the name of manufacturers, color or design of the Label.~~

(h) ~~"Broker" as defined by the Act means any person who purchases or obtains an alcoholic beverage from an importer, distillery, brewery, or winery and sells the alcoholic beverage to another broker, importer, or wholesaler without having custody of the alcoholic beverage or maintaining a stock of the alcoholic beverage.~~

(i) ~~"Carrier" shall mean any person whose business is to transport goods or people while acting in the capacity as common, private or~~

- (i) "Carrier" shall mean any person whose business is to transport goods or people while acting in the capacity as common, private or contract transporter of a product or service using its facilities or those of other carriers.
- (j) "Commissioner" shall mean the state revenue commissioner or the commissioner's designated representative.
- (k) "County or Municipality" as defined by the Act means those political subdivisions of this state as defined by law and includes any form of political subdivision consolidating a county with one or more municipalities.
- (l) "Department" as defined by the Act means the Georgia Department of Revenue.
- (m) "Distilled Spirits" as defined by the Act means any alcoholic beverage obtained by distillation or containing more than 21 percent (21%) alcohol by volume, including, but not limited to, all fortified wines.
- (n) "Family or Immediate Family" shall include any person related to a manufacturer, producer, shipper, importer, or broker within the first degree of consanguinity and affinity as computed according to the canon law.
- (o) "Fortified Wine" as defined by the Act means any alcoholic beverage containing more than 21 percent (21%) alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, brandy.
- (p) "Gallon" or "Wine Gallon" as defined by the Act means a United States gallon of liquid measure equivalent to the volume of 231 cubic inches or the nearest equivalent metric measurement.
- (q) "Hard Cider" as defined by the Act means an alcoholic beverage obtained by the fermentation of the juice of apples, containing not more than 6 percent of alcohol by volume, including, but not limited to flavored or carbonated cider. For purposes of this regulation, hard cider shall be deemed a malt beverage. This term does not include "sweet cider."
- (r) "Importer" as defined by the Act means any person who imports an alcoholic beverage into this state from a foreign country

and sells the alcoholic beverage to another importer, broker, or wholesaler and who maintains a stock of the alcoholic beverage.

(s) "Individual" as defined by the Act means a natural person.

(t) "Licensee" means any person who is granted a license or permit by the Department concerning the manufacturing, brokering, importing, wholesaling, shipping of beverage alcohol or is a retail dealer or retail consumption dealer.

(u) "Malt Beverage" as defined by the Act means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent (14%) alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

(v) "Manufacturer" as defined by the Act means any maker, producer, or bottler of an alcoholic beverage and:

1. In the case of distilled spirits, any person engaged in distilling, rectifying, or blending any distilled spirits;
2. In the case of malt beverages, any brewer; and
3. In the case of wine, any vintner.

(w) "Military Reservation" as defined by the Act means a duly commissioned post, camp, base, or station of a branch of the armed forces of the United States located on territory within this state which has been ceded to the United States.

(x) "Package" as defined by the Act means a bottle, can, keg, barrel, or other original consumer container.

(y) "Person" as defined by the Act means any individual, firm, partnership, cooperative, nonprofit membership corporation, joint venture, association, company, corporation, agency, syndicate, estate, trust, business trust, receiver, fiduciary, or other group or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public.

(z) "Place of Business" shall mean the premises of a licensed manufacturer, broker, importer, wholesaler, retail dealer or retail consumption dealer described in the license where beverage alcohol is manufactured, sold or offered for sale.

(aa) "Regulations" shall mean the regulations that are promulgated by the Commissioner pursuant to the Act.

(bb) "Representative" shall mean a person, employee, agent, independent contractor or salesperson with or without compensation from a licensee, who, acting on behalf of or at the direction of the licensee, represents the licensee to a third party.

(cc) "Retail Consumption Dealer" as defined by the Act means any person who sells distilled spirits for consumption on the premises at retail only to consumers and not for resale.

(dd) "Retailer" as defined by the Act means, except as to distilled spirits, any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled spirits, the term means any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.

(ee) "Shipper" as defined by the Act means any person who ships an alcoholic beverage from outside this state.

(ff) "Standard Case" as defined by the Act means six containers of 1.75 liters, 12 containers of 750 milliliters, 12 containers of one liter, 24 containers of 500 milliliters, 24 containers of 375 milliliters, 48 containers of 200 milliliters, or 120 containers of 50 milliliters.

(gg) "State" shall mean the State of Georgia.

(hh) "Taxpayer" as defined in the Act means any person made liable by law to file a return or to pay tax.

(ii) "Warehouse" shall mean any premises of a wholesaler, manufacturer, importer or shipper other than its registered place of business, used for the storage of beverage alcohol in accordance with the expressed written approval of the Commissioner.

(jj) "Wholesale Cost Price" is defined as the price of a package as shown on the distributor's invoice inclusive, but not limited to, cost of materials, labor costs, service costs, transportation charges, excises taxes, and any other expenses of any kind. Wholesale cost price shall be calculated by dividing the total invoice amount for each package size by the number of packages of each Alcohol

Product, Alcohol Type and Brand label being delivered concurrently to the retailer or retail consumption dealer.

(lkc) ~~“Wholesaler” as defined by the Act means any person who sells alcoholic beverages to other wholesalers, retailers, or to retail consumption dealers.~~

(ll) ~~“Warehouse” shall mean any premises of a wholesaler, manufacturer, importer or shipper other than its registered place of business, used for the storage of beverage alcohol in accordance with the expressed written approval of the Commissioner.~~

(mm) ~~“Wine” as defined by the Act means any alcoholic beverage containing not more than 21 percent (21%) alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage. A liquid shall first be deemed to be a wine at that point in the manufacturing process when it conforms to the definition of wine contained in the Act.~~

**560-2-2-.03 Sales to Minors; Exceptions. Amended.
Repealed.**

~~No licensee, employee of such licensee, or any person acting on behalf of such licensee shall give, sell, offer to sell, furnish, cause to be furnished, or offer to furnish any beverage alcohol to any person who is under the lawful drinking age as established by this Title.~~

**560-2-2-.4 Retail Dealer and Retail Consumption Dealer
Purchase from Licensed Wholesaler, Penalty for
Violation. Repealed.**

~~No retail dealer or retail consumption dealer shall buy or arrange to buy or in any way effect the transfer of any beverage alcohol to him or for his account except from a licensed wholesaler. No arrangement whereby a wholesaler shall handle, clear or in any other way arrange to transfer for any licensed retail dealer or retail consumption dealer shall be permitted, and all sales by wholesalers to licensed retail dealers or retail consumption dealers shall be bonafide sales transactions from the wholesaler to the licensed retail dealer or retail consumption dealer. The making of any forbidden arrangements shall be cause for revocation of the licenses of all licensed wholesalers and retail dealers or retail consumption dealers involved.~~

560-2-2-.05 Consuls. Amended. Repealed.

(1) This Regulation is promulgated pursuant to the Vienna Convention on Consular Relations of April 24, 1963, 21 U.S.T. 77, T.I.A.S. 6820, and other treaties in force between the United States of America and foreign states on the subject of consular relations. The purpose of this Regulation is to provide a procedure for extending certain exemptions guaranteed by these treaties to consular officers located in the State of Georgia.

(2) The tax imposed by the Georgia Alcoholic Beverage Code is an excise tax levied upon the first purchase or sale of beverage alcohol imported into Georgia. Where a consular officer imports beverage alcohol directly from abroad or from a federally bonded warehouse for the official use of the consular post or for the personal use of the consular officer or members of his family forming part of his household, the transaction is exempt from state beverage alcohol excise tax under the multilateral consular convention referred to in paragraph (1) of this Regulation if the consular officer's sending State is a party to the convention or another treaty with the United States of similar import.

(3) Consular officers, as defined herein, are thus hereby authorized to purchase and import directly from abroad and from federally bonded warehouses located in the United States such beverage alcohol as they may desire, free from Georgia beverage alcohol excise tax, under the procedure and subject to the restrictions set out in this Regulation.

(a) Consular officers may purchase tax-free beverage alcohol directly from abroad by notifying the Revenue Department of the proposed importation on a form provided by the Revenue Department.

(b) Consular officers may purchase tax-free beverage alcohol from a federally bonded warehouse by submitting purchase orders to the Alcohol and Tobacco Division, on a form provided by the Revenue Department, executed by the head of the consular post making the purchase. Upon approval of the order by the Revenue Department, the Revenue Department shall forward the order to the designated

federally bonded warehouse with authorization for shipment of the beverage alcohol directly to the consular post.

(c) ~~Shipment by the federally bonded warehouse shall be only to the consular premises and shall be accomplished in such manner and under such documentation as the Revenue Department may require.~~

(d) ~~"Consular officer" means a career consular officer who is a national of the sending State assigned to a consular post in Georgia for the exercise of consular functions, and whose sending State is a contracting party to the multilateral consular convention referred to in paragraph (1) of this Regulation or another treaty with the United States of similar import.~~

(e) ~~"Head of a consular post" means the consular officer charged with the duty of acting in the capacity of head of the consular post to which he is assigned.~~

(f) ~~"Consular post" means any consulate-general, consulate, vice-consulate or consular agency.~~

(4) ~~The State Revenue Commissioner hereby exercises the plenary regulatory power over beverage alcohol granted to the State of Georgia by the Twenty-first Amendment to the Constitution of the United States, and the authority of consular officers to import taxfree beverage alcohol is expressly conditioned upon compliance with the requirements of this Regulation, including the following requirement that the beverage alcohol which may be imported tax-free under this Regulation must be intended for consumption only and shall not exceed the quantity necessary for direct utilization by the persons concerned.~~

(5) ~~In the event the beverage alcohol product desired to be purchased is available from a Georgia licensed wholesaler and is one on which excise taxes are collected and paid by a reporting system, the Commissioner may authorize tax free purchases from such licensed Georgia wholesalers.~~

560-2-2-.06 Advertising Material; Assessments for Advertising. Amended. Repealed.

~~(1) No manufacturer, broker, importer, or shipper shall make any assessment or surcharge against any wholesaler, licensed retail dealer or retail consumption dealer on the purchase of beverage alcohol, or otherwise, for advertising purposes. This does not prohibit charging for advertising which is voluntarily requested and for which a fair market value is charged.~~

~~(2) No licensed retail dealer or retail consumption dealer shall accept from a wholesaler directly or indirectly any free goods or free merchandise, except standard manufacturer, broker, importer or shipper advertising material, nor shall any licensed retail dealer or retail consumption dealer accept such advertising material on consignment.~~

**560-2-2-.07 Acceptance of Legal Delivery. Amended.
Repealed.**

~~(1) A licensed retail dealer or retail consumption dealer shall take delivery of beverage alcohol only at his licensed place of business, and only from a licensed wholesaler or a licensed common carrier acting for a licensed wholesaler. Any delivering wholesaler assumes the entire responsibility to effect legal delivery to such licensed retail dealer or retail consumption dealer.~~

~~(2) No licensed retail dealer or retail consumption dealer shall keep any beverage alcohol stored in any bonded, or other warehouse, and shall not enter into any arrangement whereby beverage alcohol ordered by him is stored for him by any licensed wholesaler, manufacturer, broker, importer, or shipper, nor shall any licensed retail dealer keep any stock of beverage alcohol at any place except his licensed place of business.~~

**560-2-2-.08 Notification of Disciplinary Action.
Amended. Repealed.**

~~(1) Any licensee who has any disciplinary action taken against him or his employees by any authority, either municipal, county, State, or federal shall notify the State Revenue Commissioner or his agents within fifteen (15) days of such action. Any licensee who fails to notify the State Revenue Commissioner or his agents of such action within the prescribed time may be cited before the State Revenue Commissioner to show cause why his license should not be suspended or revoked.~~

~~(2) Disciplinary action as used herein means any action taken by any municipal, county, state or federal agency against the licensee, his employees, or his place of business including but not limited to:~~

~~(a) arrests by local, state, or federal authorities of the licensee or any of his employees;~~

~~(b) citations issued by local, state, or federal authorities, to the licensee or any of his employees;~~

~~(c) indictments, presentments, or accusations in any local, state, or federal courts against the licensee or any of his employees;~~

~~(d) convictions of, or penalties imposed pursuant to a plea of nolo contendere or non vult against the licensee or any of his employees in any local, state, or federal court;~~

~~(e) penalties imposed by any regulatory agency against the licensee or any of his employees; or~~

~~(f) any other written charges or reprimand by local, state, or federal authorities.~~

~~(3) Traffic citations written to the licensee or any of his employees need not be reported to the Commissioner of Revenue or his agents.~~

~~(4) Civil actions or accusations against the licensee, or any person, firm or corporation holding a financial interest in the license shall be reported in accordance with paragraph (1) of this Regulation. Civil actions or accusations against employees of the licensee need not be reported.~~

~~(5) Every licensee, acting in accordance with paragraph (1) of this Regulation shall report to the State Revenue Commissioner or his agents within the prescribed time the nature of the action taken, the time of such action, the disposition of any charges, or the time and place where such charges will be heard.~~

560-2-2-.09 Licensing Qualifications. Repealed.

~~(1) No person shall manufacture, distribute, sell, handle or possess for sale or otherwise deal in alcoholic beverages or non-beverage alcohol without first obtaining all applicable licenses required by the Act and these regulations.~~

~~(2) Every person applying for a state license, permit, or registration to deal in beverage alcohol products, shall make application on forms furnished and in a manner and format reasonably prescribed by the Commissioner and shall under oath answer all questions, supply all information, personnel statements, including information regarding applicant's employees. Further, if requested, the applicant shall furnish all certificates, affidavits, bonds and other supporting data or documents as reasonably required by the Commissioner. All license applications under these Regulations shall be a permanent record. Willful failure to furnish the Commissioner with any of the information required by these Regulations or by law shall constitute grounds for denial or revocation of a license.~~

~~(3) Applications for a state license, permit, or registration shall contain the identical name and address of the applicant as stated in the application for a license required by local governing authorities. Every license shall specify the premises where the licensee shall have its place of business and such location shall not be changed during the term of the license.~~

~~(a) Any fraternal organization shall be permitted to apply for a license in the name of any qualified officer or member of such organization. For the purpose of this Regulation, fraternal organization shall refer to any society, order or supreme lodge, whether incorporated or not, conducted solely for the benefit of its members and their beneficiaries and not for profit, operated on the lodge system with a ritualistic form of work, and having a representative form of government.~~

~~(b) Any legal entity, including but not limited to, all partnerships, limited liability companies, domestic or foreign corporations, who are lawfully registered and doing business under the laws of this~~

State, or the laws of another state and authorized by the Secretary of State to do business in this State, which seeks to obtain a license for beverage alcohol or non-beverage alcohol may be permitted to apply for such license in the name of the legal entity as it is registered in the Office of the Secretary of State of Georgia.

Provided, however:

1. In its application for a beverage alcohol or non-beverage alcohol license, such legal entity shall provide the Commissioner with the name of its agent authorized to receive service of process under the laws of this State, and also provide the Commissioner with the address of its registered office together with a listing of its current officers and their respective addresses.

2. Any legal entity including, but not limited to, a sole proprietorship, partnership, limited liability company, trust, domestic or foreign corporation that is not required to register with the Office of the Secretary of State of Georgia, shall provide the Commissioner with the relevant information, including the name and address of a designated responsible corporate officer or partner.

3. Any change in the status of a licensee's registered agent, sole proprietorship or responsible corporate officer including, but not limited to, a change of address or name, shall be reported to the Commissioner within five days of such occurrence.

4. In the event that a legal entity shall fail to appoint or maintain a registered agent in this State or fails to maintain the identity of the sole proprietor or responsible officer or partner as required by law and these regulations, or whenever its registered agent cannot with due diligence be found at the registered office of the entity as designated in its application for license, the Commissioner shall be appointed agent to receive any citation for violation of these Regulations.

5. Process may be served upon the Commissioner by leaving with the Commissioner duplicate copies of such citations.

6. In the event that such notice of citation is served upon the Commissioner or one of the Commissioner's designated agents, the Commissioner shall immediately cause one of the copies

thereof to be forwarded to the corporation at its registered office. Any service, so had on the Commissioner, shall be answerable in not more than thirty (30) days.

7. The Commissioner shall keep a record of all citations served upon the Commissioner under this Regulation, and shall record therein the time of service and the disposition of that service.

(4) Any substantial change in or any agreement in principle, whether written or not, to change the conduct or ownership interest of any licensed business shall be reported to the Commissioner pursuant to Regulation 560-2-2-.38 entitled "Ownership Interest. Amended."

(5) The state license issued shall be valid for the calendar year indicated thereon, provided:

(a) The licensee is actively engaged in such business; and

(b) If applicable, has a valid county or municipal license.

(6) In the event a licensee ceases to be actively engaged in business or if a licensee's local license becomes invalid in any way, the state license shall become invalid and the licensee of such business shall immediately notify the Department and return the state license to the Department.

(7) A licensee that desires to continue in business during the next calendar year must make a new application for such year on or before November 1 of the preceding year.

(8) No state license may be transferred from one person to another. The Commissioner may at the Commissioner's discretion grant a transfer of license from one location to another location within the same local regulatory jurisdiction provided authority for such transfer has also been granted by the local governing authority.

(9) Any untrue, misleading, or omitted statement or information contained in such application shall be cause for the denial thereof and, if any license has been granted, shall constitute cause for its revocation of same.

(10) The failure of any applicant, or failure of any person, firm, corporation, legal entity, or organization having any interest in any operation for which an application has been submitted, to meet any obligations imposed by the tax laws or other law or regulation of

the State of Georgia shall be grounds for denial of the license, permit or registration for which application is made.

~~(11) When contrary to the public interest and welfare, the Commissioner may decline to issue a beverage alcohol license to:~~

~~(a) Any person as determined by the Commissioner, by reason of such person's business experience, financial standing, trade associations, personal associations, records of arrests, or reputation in any community in which he has resided, who is not likely to maintain the operation for which he is seeking a license in conformity with federal, state or local laws.~~

~~(b) Any person convicted of a felony within ten (10) years immediately preceding the date of receipt of the license or renewal application.~~

~~(c) Any person convicted of a misdemeanor within two years immediately preceding the application for a license or a license renewal and whose misdemeanor conviction is the result of an alcohol related citation in the operation of a business licensed to sell alcohol beverages.~~

~~(12) The Commissioner may decline to issue a state license to a person for the operation of a place of business when any person having any interest in the operation of such place of business or control over such place of business does not meet the same requirements as herein set forth for the licensee.~~

~~(13) If the Commissioner has reason to believe that the applicant is not entitled to the license for which applicant has applied, the Commissioner shall notify the applicant. Applicant shall have fifteen (15) days from the date of the notice to request in writing a hearing on the application. Upon receipt of applicant's written request the Commissioner shall provide the applicant with due notice and opportunity for hearing on the application pursuant to Regulation Chapter 560-2-9. If the Commissioner, after providing notice and opportunity for a hearing, finds that the applicant is not entitled to a license, the applicant shall be advised in writing of the findings upon which such denial is based.~~

560-2-2-.10 Outside Delivery of Drinks: Repealed.

~~(1) A retail consumption dealer shall not sell or permit the sale of beverage alcohol except within the licensed premises under its exclusive custody and control. For purposes of this Regulation the term "Licensed Premises" shall also include an area that is directly adjacent and contiguous to the licensed premises provided such area:~~

- ~~(a) Is approved by the Local governing authority.~~
- ~~(b) Has the same address of the licensed premises.~~
- ~~(c) Is owned or leased and is exclusively controlled by the retail consumption dealer.~~
- ~~(d) Is not public domain nor is the area only nominally under the exclusive control of the retail consumption dealer.~~
- ~~(e) Is served from the same bar or serving location that permanently services the leased premises.~~

~~(2) Any area not under the exclusive custody and control of the retail consumption dealer shall not be a part of any licensed premise. Beverage alcohol may not be sold, served, or delivered in nor into or within such area.~~

~~(3) Any area under the exclusive custody and control of the retail consumption dealer that is not directly adjacent and contiguous to the licensed premises shall be deemed not part of the licensed premises and subject to Regulation 560-2-3-.12.~~

~~(4) A retail consumption dealer shall be responsible for:~~

- ~~(a) All sale, delivery or service of beverage alcohol through any window, door, or other opening in the licensed premises.~~
- ~~(b) Consumption and possession of all beverage alcohol by any person located on the licensed premise.~~

**560-2-2-.11 Games of Chance; Cause for
Suspension or Revocation of License. Amended.
Repealed.**

~~Gambling, betting, or the operation of games of chance,
punchboards, slot machines, lotteries, or tickets or chances
therein, or any other such scheme or device involving the
hazarding of money or any other thing of value in any license
place of business, or in any room adjoining the same owned,
leased or controlled by him, shall be cause for suspension or
revocation of his license. Provided nothing herein shall
prohibit the operation of a properly licensed bingo game or
any device not otherwise prohibited by law.~~

**560-2-2-.12 Validity of License. Amended.
Repealed.**

~~All licenses issued pursuant to the laws and regulations shall be valid only so long as the licensee is actively engaged in such business and in the event the licensee shall cease to be actively engaged in such business, such license shall be invalid and the licensee of such business shall immediately notify the Department of Revenue and return his license thereto.~~

~~560-2-2-.13 Other Beverage Alcohol Prohibited.~~
Amended. Repealed.

~~No licensee shall keep, possess, or store at such licensee's place of business any beverage alcohol for which said licensee does not hold a valid and current license to sell such beverages at said place of business.~~

560-2-2-.14 Subterfuge. Amended. Repealed.

~~Any act which may be construed as a subterfuge in an effort to circumvent any of these Rules and Regulations shall be deemed a violation of the rule or regulation attempted to be circumvented.~~

**560-2-2-.15 Display of License. Amended.
Repealed.**

~~Every license issued under the Act shall be kept prominently displayed by the holder thereof at his place of business, and any beverage alcohol kept, stored or found at said place of business or at his warehouse shall be presumed to be his property.~~

**560-2-2-.16 Refunds; Discounts; Gifts; All Sales Final;
Termination of Business and Refunds on Close-Out
Inventory. Repealed.**

~~(1) Unless otherwise specifically permitted by this Act and these regulations, no manufacturer, producer, shipper, importer, broker, or wholesaler, nor their employees, agents, representatives, or anyone acting on their behalf, shall directly or indirectly:~~

~~(a) Make any gift, refund, price concession, discount, joint offer, or any concession of any kind or character, or give or offer to give any sample, free goods, articles or things of value in connection with the sale of beverage alcohol, or to compensate any retailer or retail consumption dealer or their employees for interior or exterior beautification, improvement in premises, or for displaying any merchandise, or for displaying the same in a particular position or manner.~~

~~(b) Make any inducement to any retailer or retail consumption dealer or their employees, agents, buyers, or purchasing agents by furnishing, giving, or lending any equipment, fixtures, signs, supplies, money, services, or other things of value, or by guaranteeing any loan or repayment of any financial obligation, or paying total or partial payment of salary or promoting any promotion or sales contest for such persons.~~

~~(2) Nothing herein shall prohibit quantity discounts by wholesalers to retailers or retail retailers provided such quantity discounts are for sale and delivery to a single retail location and are available to all retailers and retail consumption dealers within such wholesalers' designated sales territory and upon equal terms.~~

~~(3) It shall be a violation of this regulation for any retailer or retail consumption dealer, their employees, agents, buyers, purchasing agents, or anyone acting directly or indirectly in their behalf to accept, acquiesce, or otherwise participate on the prohibited acts contained in this Act or these Regulations, or to coerce or attempt to coerce, entice, request, or solicit any prohibited acts.~~

~~(4) Beverage alcohol shall be inspected at the time of delivery for breakage, damage, shortage and for any other condition which~~

would render delivery unacceptable to the retailer or retail consumption dealer. No adjustment or exchange subsequent to delivery shall be permitted where breakage, shortage, or other conditions are evident to the extent that such conditions would have been obvious upon casual inspection at the time of delivery.

(5) A licensed wholesaler may accept from any licensed retailer or retail consumption dealer any quantity of beverage alcohol and give said retailer credit for the same but only if on the same day said retailer or retail consumption dealer buys from said wholesaler, at prevailing prices, a like quantity, measured in case lots, of the same type and brand, and if copies of the invoices evidencing such transfer be promptly filed at the wholesaler's place of business for inspection by the Commissioner or his agents.

(6) Exchanges of identical brands and quantities of beverage alcohol shall be authorized for "leakers" or "short fills," provided at the time of such exchange the tops of such containers are affixed and such leakage is apparent.

(a) No adjustment, credit, or exchange subsequent to delivery shall be permitted for chipped bottle necks of malt beverages.

(b) Within thirty (30) days of malt beverage brands becoming outdated in accordance with written brewery or wholesalers' quality control standards and provided such malt beverages were sold to the retailer at the wholesalers' posted unit price at the time of sale, wholesalers:

1. May exchange identical brands and quantities of malt beverages.
2. May exchange the malt beverage for identical quantities of the same or other brands within the mix and match assortment sold under authority of subparagraph (1) (c) of this regulation and such malt beverages have the same single case price as products being exchanged.
3. Shall retain copies of invoices evidencing such exchanges and promptly file same at the wholesalers' place of business for inspection by the Commissioner or his agents.
4. Shall not issue a credit, rebate, or refund of excise taxes for such exchange.

~~(7) Upon termination of a retailer's or retail consumption dealer's business, such retailer or retail consumption dealer may return to the appropriate wholesaler such goods as he then has on hand, and the wholesaler shall accept the return of such goods deemed by such wholesaler to be saleable at the prices posted by such wholesaler pursuant to these Regulations at the time such goods were sold. No wholesaler shall charge for picking up or taking back any merchandise greater than ten percent of the value thereof. In the event of a termination of a retailer's or retail consumption dealer's business with such goods on hand being returned to the wholesaler as provided herein, the wholesaler may defer payment to the retailer or retail consumption dealer for a period not to exceed fifteen (15) days to insure that no security interest is being held by a third party on such merchandise. With express written permission of the Commissioner, a retailer or retail consumption dealer terminating its business may sell that portion of his the remaining inventory which the wholesaler does not accept, to another retailer or retail consumption dealer.~~

~~(8) For products that are unmarketable due to internal content deterioration resulting in the product varying substantially in taste or appearance from the manufacturer's specifications, the product manufacturer, shipper or importer may petition the Commissioner in writing to requesting authorization to recall such products. The recall request shall be submitted so that it is received by the Alcohol & Tobacco Tax Division at least fifteen (15) days in advance of the proposed date for initiating the recall and shall specifically detail the reason for the recall including the extent and scope of the problem with the product(s), the amount in distribution within the State of Georgia, and the estimated amount of time needed to complete the recall. All approved recalls shall be conducted by wholesalers working in conjunction with the impacted manufacturer, shipper or importer under terms and conditions agreed to by the wholesalers and the impacted manufacturer, shipper or importer. Where a product is recalled pursuant to this provision, the product shall be exchanged for an equal quantity of the same product. Where the same product is~~

~~unavailable because the recall encompasses the total removal of a product from distribution or otherwise, the product shall be exchanged for an equal quantity of a product that is the same type of beverage alcohol or, where such a product is unavailable, the issuance of a credit to the retail dealer equal to the original purchase price paid by the retailer. There shall be no refund or credit of any excise tax paid on any products subject to recall for any reason. Records regarding recalls of products shall be maintained in a manner consistent with O.C.G.A. § 3-3-6.~~

~~560-2-2-.17 Consideration of Goods Bought or Sold to Be in Cash; Exceptions. Repealed.~~

~~(1) The consideration for all beverage alcohol sold by any retail dealer or retail consumption dealer shall be cash only and the delivery and payment therefor shall be a simultaneous transaction within the licensed place of business. There shall be no maneuver, device or shifts, of any kind whereby credit is extended. The use of post dated checks is prohibited.~~

~~(2) The use of a credit card for the purchase of beverage alcohol from a retail dealer or retail consumption dealer licensee shall not be prohibited provided such credit card represents an unqualified obligation to pay without recourse on the part of the person, institution or agency issuing such card. Hotels and motels licensed to sell beverage alcohol shall not be prohibited from billing guests of such hotel or motel for such beverage alcohol provided that payment is tendered at the time such guest leaves or checks out of such hotel or motel. The sale of beverage alcohol by bona fide private clubs and lodges wherein members pay all charges on a monthly basis shall not be prohibited provided the receivables from such transactions are promptly placed for collection consistent with sound business practices.~~

~~(3) Purchases by retail dealers or retail consumption dealers.~~

~~(a) The consideration paid for all distilled spirits or wine purchased from a wholesaler by a retail dealer or retail consumption dealer shall be cash paid at or before delivery. Where a wholesaler makes deliveries to two or more places of business of the same retail dealer or retail consumption dealer, it shall be a compliance with this provision if payment for all such deliveries is made by the retail dealer or retail consumption dealer in one cash payment at or before the last delivery on such day. Giving or receiving post dated checks, or other evidences of indebtedness, or other subterfuges for obtaining or extending credit~~

shall be a violation of this Regulation.

~~(b) The consideration for all malt beverages purchased from a wholesaler by a retail dealer or retail consumption dealer shall be for cash only at or before the time of delivery except that in the event the retail dealer or retail consumption dealer owns more than one business and payment is made from a central office, the wholesaler is permitted to carry such account for a period not to exceed five (5) days after delivery and invoice. Except as otherwise herein provided, cash means that the delivery by the wholesaler and payment by the retail dealer or retail consumption dealer for malt beverages is a simultaneous transaction, and there shall be no maneuver, device or shift of any kind whereby credit is extended by the wholesaler. The use of post dated checks is prohibited.~~

560-2-2-.19 Emergency Movement of Beverage Alcohol. Repealed.

~~Whenever any licensee's place of business is threatened with destruction or looting because of riot, civil disorder or natural disaster, the licensee is authorized to transport his supply of beverage alcohol to a secure location by any means of transportation available. The licensee shall notify the Commissioner as soon as practical. In any such case the licensee shall cease business and shall not reopen without the express written approval of the Commissioner.~~

**560-2-2-.20 Shipper's Failure to File Report.
Repealed.**

~~Any manufacturer, importer or broker shipping or causing to be shipped beverage alcohol into or within the State of Georgia who fails to file any report or document as required by the Georgia Alcoholic Beverage Code, or any regulation promulgated pursuant to the Code, shall not be authorized to make further shipments, so long as such report/document remains delinquent and such shipper may be required to appear before the State Revenue Commissioner to show cause why such shipper's license to ship into or within Georgia shall not be revoked or suspended or its bond forfeited or both.~~

**560-2-2-.21 Unlawful Shipments; Seizure;
Assessment. Repealed.**

~~Any and all beverage alcohol shipped into the State of Georgia or sold within the State by any manufacturer, importer, shipper or broker, without compliance with the provisions of the Georgia Alcoholic Beverage Code or the provisions of the Regulations promulgated pursuant to the Code, shall be deemed contraband, as being shipped or sold in violation of the Code and/or these Regulations, and shall be seized by agents of the Commissioner and any law enforcement agent in the State and disposed of according to the Georgia Alcoholic Beverage Code, and in addition thereto such manufacturer, importer, agent, shipper or broker of such beverage alcohol, shall pay to the State of Georgia the full amount of tax as assessed and determined by the Commissioner on such beverage alcohol shipped or sold in violation of the provisions of the Code and/or the Regulations promulgated pursuant to the Code, and such shipper may be required to appear before the State Revenue Commissioner to show cause why such shipper's license to ship into or within Georgia should not be revoked or suspended or its bond forfeited or both.~~

**560-2-2-.23 Common Carriers: Bills of Lading.
Repealed.**

~~Every common carrier transporting beverage alcohol into this State shall submit bills of lading to the Commissioner covering all such shipments into the State. Such bills of lading shall be filed monthly on or before the fifteenth (15th) day of the month subsequent to the month of shipment.~~

~~560-2-2-.25 Restriction to Retail Dealers and Retail Consumption Dealers. Repealed.~~

~~(1) No licensed retail dealer or retail consumption dealer shall transport beverage alcohol except by common carrier and then only with the written approval of the Commissioner, except for emergency movement of beverage alcohol as provided in Section 560-2-2-.19 of these Regulations. Transport" as used in this Section shall include, inter alia, the transfer of beverage alcohol from one licensed premises to another licensed premises.~~

~~(2) Licensed retail dealers and retail consumption dealers shall not provide or arrange for delivery or transportation services related to beverage alcohol. All sales of beverage alcohol shall be simultaneous transactions within the meaning of Regulation 560-2-2-.17 and shall be complete at the time that the customer makes payment and accepts the beverage alcohol within the licensed premises.~~

560-2-2-.27 Employment Restrictions. Repealed.

~~No employee of any manufacturer, importer, broker, producer, joint registrant or wholesaler shall at any time, with or without compensation, act as salesperson or sales clerk for any retail dealer or retail consumption dealer in said retail dealer's or retail consumption dealer's place of business.~~

560-2-2-.28 ~~Violations; — Unlawful — Activities.~~
Repealed.

~~(1) Any person holding any license, permit, or registration issued pursuant to the Act or any employee or agent of such person who violates any provision of the Act or Regulations, or directs, consents to, permits, or acquiesces in such violation, either directly or indirectly shall, by such conduct, subject the license to suspension or revocation. For purposes of administering and enforcing the Act and these Regulations, any act committed by an employee, agent or representative of a licensee shall be deemed to be an act of such licensee.~~

~~(2) It shall be a violation of the Act and these Regulations for any licensee, permittee or registrant to permit any person to engage in any activity on the premises for which the license is issued or within the place of business, which is in violation of the laws or regulations of any federal, state, county or municipal governing authority or regulatory agency. With respect to any such activity, it shall be rebuttably presumed that the same was done with the knowledge or consent of the licensee; provided however, that such presumption may be rebutted only by evidence which precludes every other reasonable hypothesis save that such licensee did not know, assist or aid in such occurrence, or in the exercise of full diligence could not have discovered or prevented such activity.~~

560-2-2-.29 ~~Failure to Comply with Tax Laws.~~
Repealed.

~~(1) No application for a license to sell beverage alcohol will be considered so long as such applicant, person, firm or corporation holding any interest in the business for which application is made, has failed to meet any obligations imposed by any tax law of the State of Georgia.~~

~~(2) The failure of any licensee, permittee or registrant, or person, firm, or corporation holding an interest in the business for which the license, permit or registration is issued to meet any obligations imposed by the Alcoholic Beverage Code, any tax law of the State of Georgia or any Regulations of the Commissioner shall be grounds for suspension or revocation of such license, permit or registration.~~

**560-2-2-.30 ~~Damaged, Lost or Stolen Goods;~~
~~Notification.~~ Repealed.**

~~Whenever any beverage alcohol products which are enroute to, through or within Georgia, are damaged, destroyed, lost or stolen, the shipper or carrier thereof shall immediately notify the commissioner identifying said beverage alcohol so far as possible by type, brand and quantity.~~

**560-2-2-.31 ~~Selling in Violation of Order of~~
~~Commissioner. Repealed.~~**

~~No licensee, permittee or registrant shall distribute, sell or
offer for sale in violation of any special order of the
Commissioner.~~

560-2-2-.32 Measurement of Distances. Repealed.

~~(1) Unless otherwise provided by law, all measurements to determine distances required by the Act, for the issuance of an initial state beverage alcohol license, shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:~~

~~(a) Prior to April 1, 2007:~~

- ~~1. From the front door of the structure which beverage alcohol is sold or offered for sale;~~
- ~~2. In a straight line; to the nearest public sidewalk, walkway, street, road or highway;~~
- ~~3. Along such public sidewalk, walkway, street, road or highway by the nearest route;~~
- ~~4. To the front door of the building, or to the nearest portion of the grounds, whichever is applicable under the appropriate statute.~~

~~(b) After March 31, 2007:~~

- ~~1. In a straight line from the front door of the structure from which beverage alcohol is sold or offered for sale;~~
- ~~2. To the front door of the building of a church, government-owned treatment center or a retail package store; or~~
- ~~3. To the nearest property line of the real property being used for school or educational purposes.~~
- ~~4. All renewal applications shall use the measurements required in the initial application and license.~~

~~560-2-2-.33 Initial Applications; Temporary Permits Authorized; Conditions of Issuance. Repealed.~~

~~(1) Persons making initial license applications pursuant to the laws and regulations, after properly filing all required documents, may be authorized by the Revenue Commissioner to operate pursuant to a temporary permit. Before any such temporary permit shall be issued, the applicant must have filed with the Department of Revenue the following documents and materials under the conditions indicated:~~

~~(a) a valid local license from the proper governing authority to engage in the business for which application is made;~~

~~(b) a valid state application with all questions answered and which application indicates prima facie eligibility to hold the license sought;~~

~~(c) all other documents required pursuant to the laws and regulations for obtaining a license appropriate to the type business for which application is made; and~~

~~(d) when preliminary records checks have been determined and judgements made, a temporary permit may be issued if deemed appropriate.~~

~~(2) The issuance of any temporary permit pursuant to the above conditions is within the discretion of the Commissioner and such temporary permits may be withdrawn by the Commissioner at any time without notice or hearing.~~

560-2-2-.34 Sales by Vending Machines. Repealed.

~~No licensee shall sell, offer for sale or allow to be sold any beverage alcohol through any vending machine or through any unattended machine.~~

560-2-2-.35 Monthly Report of Shipments. Repealed.

~~Every manufacturer, importer, or broker shipping or causing to be shipped beverage alcohol into or within this State shall file a monthly report of all shipments of such beverage alcohol with the State Revenue Commissioner on forms provided for that purpose and such monthly report form shall be filed on or before the fifteenth (15th) day of the month following the date of shipment. In the case of distilled spirits, alcohol and wine, the report shall have attached thereto exact copies of all invoices covering such shipments into or within the State.~~

**560-2-2-.36 Consumption on Premises—Trade Practices.
Repealed.**

~~(1) All persons licensed to sell or dispense beverage alcohol by the drink for consumption on the premises or the employees of such person shall not:~~

~~(a) Sell or dispense such drinks not containing the exact brand, brands or mixtures ordered or requested by the customer or consumer, or~~

~~(b) Make any statement which is false or untrue in any particular or which, irrespective of falsity, directly or by ambiguity, commission, or implication, or by the addition of irrelevant scientific or technical matter, tends to create a misleading impression as to the quality of any such beverage alcohol to the customer or consumer.~~

~~(2) All persons licensed to sell or dispense beverage alcohol by the drink for consumption on the premises or the employees of such person shall upon request of any customer or consumer:~~

~~(a) Divulge to such customer or consumer the quantity of beverage alcohol contained in each such drink sold to him; and~~

~~(b) Further shall exhibit to such customer or consumer the specific brand or brands of beverage alcohol contained therein.~~

~~(3) In the case of distilled spirits, no licensee, in the preparation of mixed drinks for consumption on the premises, shall dispense one brand of distilled spirits from the container of any other brand of distilled spirits, or from any container whatsoever except from that originally purchased from a licensed wholesaler, and no container may be refilled with any substance, including water, under any conditions or for any reason.~~

~~(4) No person shall knowingly, and/or cause any other person to, possess, sell, ship, transport or in any way dispose of any beverage alcohol under any other name than the proper name or brand known to the industry as designating the kind and quality of the contents of the package or other containers of said beverage alcohol.~~

~~(5) Establishments licensed to dispense distilled spirits by the drink shall not through general advertising media, advertise the alcoholic contents or measurements of distilled spirits contained in such drinks.~~

560-2-2-.37 ~~Package Sales by Retail Consumption Dealers; Prohibitions. Repealed.~~

~~(1) Retail consumption dealers shall not sell distilled spirits in package for carryout purposes at any time.~~

~~(2) Retail consumption dealers shall not sell beer or wine by the package for carryout purposes:~~

~~(a) on any day or at any time when the sale of package beer or wine for carryout purposes is otherwise prohibited by law; or~~

~~(b) at any location which is within distances to grounds or buildings where the sale of package beer or wine for carryout purposes is otherwise prohibited by law.~~

~~(3) Any retail consumption dealer violating the provisions of this Rule shall be subject to the suspension or revocation of licenses to sell beverage alcohol.~~

560-2-2-.38 Ownership Interest. Repealed.

~~(1) Neither a manufacturer, producer, shipper, importer, or broker, nor any of his employees or members of such manufacturer's, producer's, shipper's, importer's, or broker's immediate family shall have, own, or enjoy any ownership interest in, or partnership arrangement or other business association with the business of any wholesaler, retail dealer or retail consumption dealer licensee.~~

~~(2) Neither a wholesaler, nor any of his employees, or any members of such wholesaler's immediate family shall have, own or enjoy any ownership interest in, or partnership arrangement or other business association with the business of any manufacturer, producer, shipper, importer, broker, retail dealer or retail consumption dealer; provided nothing herein shall prohibit such persons from owning stock in such firms when such firms' stock is publicly traded on a national exchange or over the counter.~~

~~(3) Neither a retail dealer or retail consumption dealer, nor any of his employees or members of such retail dealer's or retail consumption dealer's immediate family shall have, own or enjoy any ownership interest in, or partnership arrangement or other business association with the business of any wholesaler, manufacturer, producer, shipper, importer or broker.~~

~~(4) Provided however, nothing herein shall prohibit the Commissioner from waiving the above prohibitions in regard to children of the manufacturer, wholesaler, producer, shipper, importer, retail dealer or retail consumption dealer, provided said children are emancipated and hold no business or financial interest, or vested interest in the parent's operation.~~

~~(5) Provided further, however, that nothing herein shall prohibit the Commissioner from waiving the prohibitions so as to authorize a manufacturer or importer to wholly own a retail consumption dealer license. Such waiver will be considered only under the following conditions:~~

~~(a) All beverage alcohol to be handled or sold by such wholly owned retail consumption dealer must be purchased from licensed wholesalers and purchased on the same terms and conditions as all~~

~~other retail and retail consumption dealers and at prices posted with the Commissioner.~~

~~(b) Any manufacturer or importer obtaining or holding a retail consumption dealer license shall be permitted to sell, serve and dispense his own products; however, sales of his own products shall not exceed ten percent (10%) of his annual gross sales of beverage alcohol products.~~

~~(6) It shall be the duty of the licensee to notify the Commissioner in writing concurrently with:~~

~~(a) Any change to an answer or personnel statement made on an application for a license which is either pending or approved must be timely reported as an amendment to the application.~~

~~(b) Any change in any interest in licensee's business, including but not limited to:~~

~~1. Execution of Letter of Intent to sell or purchase;~~

~~2. Receipt of a bona fide proposal to purchase;~~

~~3. Division of the profits;~~

~~4. Division of net or gross sales for any purpose whatsoever;~~

~~5. Change in ownership of any legal entity that has any interest in such business or the change of management of such legal entity; or~~

~~6. A loss or damage to goods which result in a claim against an insurance policy.~~

~~(c) Any public corporation whose stock is traded on recognized national stock exchanges shall be exempt from subparagraphs (6)(b)2., (6)(b)3., (6)(b)4., and (6)(b)5.~~

~~(7) The Commissioner shall notify licensee upon receipt of written notice of any objection to the ownership or interest set forth therein. Licensee shall have fifteen (15) days from the date of the notice to request in writing a hearing on the objection. Upon receipt of licensee's written request the Commissioner shall provide the licensee with due notice and opportunity for hearing on the application pursuant to Regulation Chapter 560-2.9. If the Commissioner, after providing notice and opportunity for hearing, finds the licensee is not entitled to a license pursuant to these regulations, the applicant shall then be advised in writing of the findings upon which such denial is based.~~

**560-2-2-.39 Providing Testimony and Documents.
Repealed.**

~~By the application for, the acceptance of, or the conduct of business under any license or permit issued pursuant to the Georgia Alcoholic Beverage Code, every holder of a license or permit issue thereunder and every employee or officer of such licensee agrees to appear and give sworn testimony and produce documents and records reasonably calculated to aid the Commissioner in any investigation or hearing held under the Georgia Alcoholic Beverage Code or under these Regulations. Each such person shall appear and produce such documents at the office of the commissioner, or at such other place as he may reasonably designate, at such time as the Commissioner may designate in writing and with reasonable notice.~~

~~560-2-2-.40 Prohibition Against Holding or Having Beneficial Interest in More Than Two Retail Dealer Licenses. Repealed.~~

~~(1) No person shall be issued more than two retail dealer licenses, nor shall any person be permitted to have a beneficial interest in more than two retail dealer licenses, regardless of the degree of such interest.~~

~~(2)(a) For purposes of this regulation, a person shall be deemed to have a beneficial interest in a retail dealer license when he:~~

- ~~1. holds a retail liquor license;~~
- ~~2. has any ownership interest, whether legal, equitable or other, in or control over a retail liquor business;~~
- ~~3. holds a retail license for or has any ownership interest in a beer or wine business which is conducted in conjunction with or immediately adjacent to a retail liquor business; or~~
- ~~4. holds the license for or has any ownership interest in any retail beverage alcohol business and has any financial, contractual, or other business interest, including any lease arrangement in or with a retail liquor business or licensee.~~

~~(2)(b) Under the *de minimis* concept, a person who owns less than 5% of the shares of a corporation which has more than 35 shareholders or whose stock is publicly traded shall not, on the fact of stock ownership alone, be deemed to have a beneficial interest in the liquor business of such corporation.~~

~~(2)(c) With regard to subparagraph (2)(a)3. of this Rule, a person will not be deemed to have a beneficial interest in a retail liquor business solely on the fact that he holds a retail license for or has any ownership interest in a beer or wine business which is conducted in conjunction with or immediately adjacent to the retail liquor business if the liquor business is entirely separate and distinct from the beer and wine business as follows:~~

- ~~1. there is a permanent wall between the two places of business, with no doors, windows, glass, openings or other avenues of sight or travel in the wall;~~
- ~~2. there are separate entrances and no common doors or avenues of ingress or egress between the two places of business;~~
- ~~3. there are completely separate owners, officers, managers and employees for the two places of business;~~
- ~~4. there are separate cash registers and handling of money, separate bank accounts, and completely separate financial records and financial dealings for the two places of business;~~
- ~~5. there are completely separate marketing activities between the two places of business, including separate signs (as authorized by the Department's beverage alcohol regulations) clearly identifying the two businesses as distinct, and separate advertising and promotional activities and materials, and separate dealings with wholesalers and suppliers;~~
- ~~6. there are separate accounts and contracts for utilities and services for each place of business; and~~
- ~~7. there are no other facilities other than parking facilities used in common by the two places of business, no other joint business activities between the two businesses, and the two businesses are not conducted in conjunction with each other in any other respect.~~

**~~560-2-2-.41 Furnishing Beverage Alcohol When
Sale Not Permitted; Prohibited. Repealed.~~**

~~No licensee, employee of such licensee, or any person acting on behalf of such licensee shall furnish, or give beverage alcohol to any person on any day or at any time when sale of same is prohibited by law.~~

~~560-2-2.42 Required Signs — Pregnancy Warning and Sales to Underage Persons. Repealed.~~

~~(1) Every retail consumption dealer and retail dealer selling beverage alcohol for consumption on the premises must display a sign warning that consumption of beverage alcohol during pregnancy can cause birth defects. The Department shall furnish such sign and the sign furnished must be displayed, however nothing herein shall prohibit display of additional similar information. The warning sign shall be prominently displayed at or near the entrance to where beverage alcohol is consumed and shall be displayed in a readily visible, well lighted place, and safe from being defaced or destroyed. Should the sign be defaced or destroyed the licensee shall immediately request a replacement from the Commissioner or his agents. Retail dealers selling beverage alcohol in the unbroken package for consumption off the premises may display the warning sign.~~

~~(2) Every retail consumption dealer and retail dealer shall post in a conspicuous place a notice containing provisions of the laws of this State regarding the unlawful sale or furnishing of beverage alcohol to persons under the lawful drinking age. The Department shall furnish such notice and the notice furnished must be displayed, however nothing herein shall prohibit display of additional similar information. This notice shall be prominently displayed in a readily visible, well lighted place, safe from being defaced or destroyed. Should the notice be defaced or destroyed the licensee shall immediately request a replacement from the Commissioner or his agents.~~

**560-2-2-.43 Charitable Events; Organizations.
Repealed.**

~~(1) Bona fide non-profit charitable and civic organizations desiring to sell alcoholic beverages may apply, on forms furnished by the Commissioner, for a permit authorizing the organization to sell or distribute alcoholic beverages for consumption only on the premises for a period not to exceed one day. Applications for such temporary permit must include a copy of an official document such as nonprofit certification by the Internal Revenue Service or constitution and by-laws of the organization, or a corporate charter which clearly states the purpose of the organization and a letter of authorization for the event from local governing authorities.~~

~~(2) Except as provided in this paragraph, manufacturers, brokers, importers, shippers, wholesalers and retailers shall not make any donations of beverage alcohol to any nonprofit charitable or civic organization that has obtained a one day permit. Where a nonprofit charitable or civic organization has obtained a one day permit, wholesalers shall be authorized to make donations of alcoholic beverages, obtained through proper distribution channels and upon which all applicable state and local taxes have been paid, to such non-profit charitable and civic organizations. No alcoholic beverages shall be donated to a non-profit charitable or civic organization unless such organization has the appropriate state license or permit. The amount of such donations shall not exceed the amount necessary for the event for which a one day permit has been obtained.~~

~~(3) At the request of a non-profit charitable or civic organization that holds a special event permit, , brokers, importers, shippers, manufacturers or wholesalers may donate services to the organization by having permitted representatives provide pouring services and product information during any permitted event. In addition to the responsibility of the employing licensee and the permitted representatives, the permit holder shall be responsible for all acts or omissions of any permitted representatives providing services during an event.~~

~~(4) Provided a permit has been issued to a non-profit charitable or civic organization, said organization shall be considered the same as any other licensee and subject to all laws, rules and regulations relating thereto.~~

~~(5) Nothing herein shall prohibit cash donations to charitable and civic organizations provided such donation is unconditional and not related to the purchase of a particular brand or label of beverage alcohol.~~

~~560-2-2-.44 Manufacturer, Shipper or Wholesaler to Make Accurate Invoice. Repealed.~~

~~(1) No Manufacturer, Shipper or Wholesaler, his agents, or employees, shall make any sale or delivery of any beverage alcohol without a written invoice made concurrently with the sale or delivery, in accordance with requirements of this regulation; make any invoice~~

~~which falsely indicates prices and terms of any sale; insert in any invoice any statements which make the invoice a false record, wholly or in part, of the transaction invoiced or represented on the face of the invoice; or withhold from any invoice any statement which properly should be included in it so that in the absence of such a statement the invoice does not truly reflect the transaction involved.~~

~~(2) Each sales invoice shall have printed thereon the name, address and license number of the seller and shall show the following information:~~

~~(a) Name, address and license number of purchaser;~~

~~(b) Date of delivery or shipment and invoice number;~~

~~(c) Brand, type, size of container, amount of cases, number of containers and size of container in each case of beverage alcohol delivered or shipped;~~

~~(d) The place from which the beverage alcohol was shipped;~~

~~(e) Invoices covering sales of distilled spirits alcohol and wine shall show, in addition to the above, the total number of liters by tax category.~~

~~(3) In furtherance of the three tier system of distribution of beverage alcohol, in furtherance of the prohibition of employment and business interests between the three tiers and in order to facilitate the collection of state and local taxes, for each sale made to a licensed retail location, a wholesaler shall issue a separate and distinct sales ticket or invoice in compliance with this Regulation. The terms and conditions of sale shall at all times be consistent with applicable price postings on file with the Commissioner and~~

~~there shall be no terms or conditions of the transaction that are not readily determinable from the face of the invoice or ticket. A wholesaler shall not favor specific retail locations and shall sell to retail locations within its territories on substantially the same terms and conditions at all times consistent with these Regulations.~~

~~560-2-2-.51 Wholesaler — Additional Requirements of Licensee. Repealed.~~

~~(1) A person applying for a license as a wholesaler shall, in addition to providing the information required by these regulations, provide the Commissioner with:~~

~~(a) A copy of the deed or purchase contract for the proposed licensed premises, if the licensed premise is owned by the applicant, A copy of applicant's lease agreement for the licensed premises if the proposed license premises is not owned by the applicant. The term of the lease shall not be less than the term of the license sought by applicant.~~

~~(b) Applicant's scheduled hours and days of operation including the hours and days when the licensed location is open and staffed.~~

~~(2) The wholesaler shall:~~

~~(a) Maintain all inventory records at the licensed premises for no less than three years.~~

~~(b) Maintain all alcoholic beverages separately from all other products of the wholesaler or from the products of any other parties sharing the facility. Such separate location shall be a secured location under the custody and control of only applicant, its agent or employees.~~

~~(c) Maintain and have custody and control of direct access from outside the facility into the licensed premises.~~

560-2-2-.52 Special Charges. Repealed.

~~(1) Delivery Charges: When a shipment to a retailer or retail consumption dealer consists of only an order for the delivery of beverage alcohol spirits of less than one case of a single or an assortment of brands, the wholesaler may charge the retailer or retail consumption dealer a special delivery charge of not more than \$20.00 for such delivery. Provided:~~

~~(a) All special charges shall be shown on invoices to the retailer or retail consumption dealer; and~~

~~(b) The amount of the delivery charge is the same and is applied to all of the wholesaler's retailers and/or retail consumption dealers for shipments of less than one case.~~

560-2-2-.53 Delivery Vehicle Requirements. Repealed.

~~(1) Except for military deliveries as provided in Rule 560-2-6-.05 of these regulations and except for emergency movements as provided in Rule 560-2-2-.19 of these Regulations, all transportation of beverage alcohol from one point within Georgia to another point within Georgia shall be by common carrier unless otherwise set forth herein.~~

~~(2) A licensed manufacturer may transport its product to a wholesaler under the same provisions as set forth in this regulation for a licensed wholesaler provided such manufacturer has filed form ATT 148 with the Department.~~

~~(3) A licensed wholesaler may only transport beverage alcohol in vehicles owned or leased by such wholesaler. A beverage alcohol wholesaler may also transport beverage alcohol in vehicles owned or leased and operated by a wholesaler's employee. Any vehicle used to transport beverage alcohol, whether owned by the wholesaler or by an employee of a wholesaler, shall be properly identified. Proper identification shall include the wholesaler's trade name or state license number in a conspicuous place on each side of the vehicle; the lettering for same shall be not less than 2 inches in height and not less than 1 inch in width, and clearly spaced so as to be clearly visible when read from a reasonable distance. Each wholesaler shall notify the Commissioner of the type and content of any vehicle markings utilized.~~

~~(4) Beverage alcohol shall not be received, stored, or delivered to any place other than the premises for which a license has been issued.~~

560-2-2-.55 Trade Show. Repealed.

~~(1) For purposes of this regulation, the term "trade show" is defined to be an exhibition organized and hosted by a licensed wholesaler, broker, importer, shipper or manufacturer for the purpose of providing information regarding new alcoholic beverage products.~~

~~(a) A wholesaler, broker, importer, shipper or manufacturer may conduct twelve trade shows per calendar year at its licensed premises or at a retailer consumption dealer's premises.~~

~~(b) A trade show hosted by a broker, importer, shipper or manufacturer can be attended only by wholesalers and their employees within the broker's, importer's, shipper's or manufacturer's sales territory.~~

~~(c) A trade show hosted by a wholesaler can only be attended by:~~

~~1. Licensed manufacturer's representatives.~~

~~2. Bona fide journalists.~~

~~3. Retailers and retail consumption dealers and their respective employees within the wholesaler's sales territory.~~

~~(d) Wholesalers, manufacturers, shippers, importers, brokers, and their representatives and agents can accept orders for product at the trade show. Sale and delivery shall not occur at the trade show.~~

~~(e) A licensed representative of any broker, importer, shipper, manufacturer or wholesaler, at the request of the host licensee, may provide pouring services and product information during any trade show. The trade show host together with the employing licensee and the permitted representatives shall be responsible for all acts or omissions of any representative providing service at the trade show.~~

~~(2) A party seeking to conduct a trade show shall make a request in writing to the Commissioner accompanied by the following documents and materials:~~

~~(a) A valid license or authorization, if required, from the appropriate local governing authority granting permission to conduct such trade show.~~

~~(b) A signed statement from the wholesaler, broker, importer, shipper or manufacturer in substantially the following format:~~

Date: _____

Time: Begin: _____ End: _____

Location Name: _____

Address: _____

(city) (state) (zip code)

The undersigned hereby affirms that:

1. ~~The excise tax, on all alcohol beverages at the trade show has been paid and documentation of payment will be available at the trade show.~~

2. ~~All (retailers/retail consumption dealers) (wholesalers) within the applicant's sales territory have been invited to the event.~~

3. ~~The event is without charge or cost of any kind to the attendees.~~

4. ~~The host is paying "fair market value" for the use of any retail licensed premises.~~

5. ~~All participants will be or have been advised in writing that a participant may only order Alcohol Products during the trade show and shall not receive shipment of orders for product onsite.~~

Signed: _____

Date: _____

Name: _____

(print or type)

Title: _____

Company Name: _____

~~Ga. License No. _____~~

~~(3) All trade shows shall be approved by the Commissioner or Agents of the Department. Failure to receive written notification from the Commissioner within (fifteen) 15 days from the date of receipt of the applicant's request by the Commissioner shall constitute a denial of the request.~~

560-2-2-.56 Trade Practices—Inventory Rotations; New Brands; Displays and Bins. Repealed.

~~(1) No wholesaler, or anyone acting on its behalf, shall alter, disturb, move, rearrange, or remove any beverage alcohol within any premise of a retailer or retail consumption dealer. However, in a retail business wherein a malt beverage wholesaler has been assigned specific cooler and/or shelf space, the malt beverage wholesalers may affix the price, as designated by the retailer, and place its brand label in an assigned specific cooler and/or shelf space. Wholesaler personnel cannot subsequently change or alter the retail price information affixed to beverage alcohol at time of delivery.~~

~~(2) A malt beverage wholesaler may rotate its inventory while stocking its assigned brand label within the premise of a retailer including storerooms, product displays, warm shelves, and coolers.~~

~~(3) Upon the introduction of a new brand label for distribution and sale in this state, or within a wholesaler's sales territory, wholesalers, at the request of a retailer or retail consumption dealer, may assist in rearranging available cooler and/or shelf space which has been previously assigned to the wholesaler. Such service is permitted only within sixty (60) calendar days of date of receipt of first shipment of the brand label by the wholesaler and is limited to the rearranging of the wholesalers' designated brands labels.~~

~~(4) Permitted sales representatives of wholesalers, brokers, importers, and manufacturers may deliver generic point-of-sale displays and bins to retailers provided such displays are made available to all retailers and retail consumption dealers on equal terms.~~

~~(5) The wholesaler may construct displays and bins on the premises of a retailer or retail consumption dealer. These are permitted as part of the wholesaler's marketing function. The construction or setup of displays and bins include stocking the display with beverage alcohol products.~~

~~(6) No wholesaler, broker, importer, manufacturer, or any of their employees or agents shall alter, disturb, block, or in any way~~

~~impede the property of any other wholesaler or the products or displays relating to products offered by other wholesalers.~~

~~(7) Wholesalers are not permitted to re-shelve beverage alcohol contained in a display or bin.~~

~~(8) Except as provided in paragraph 3 of this regulation, all services authorized to be performed by a wholesaler on or within the premises of a retailer or retail consumption dealer must be performed within five business days (excluding state holidays and Sunday) after the date of delivery by the wholesaler, its employees, agents, or contractors. Wholesalers shall maintain written copies of their schedules for a subsequent period of three calendar years and make such schedules available to the Commissioner upon request.~~

**560-2-2-.57 Trade Practices—Inventory Set and Resets;
Notification. Repealed.**

~~(1) Upon the request of retailer or retail consumption dealer, wholesalers, at their option, may conduct a single set of beverage alcohol at each retailer's or retail consumption dealer's location.~~

~~(2) Upon the request of retailer or retail consumption dealer, wholesalers, at their option, may conduct the resetting of assigned brand labels once per calendar year at each retailer's or retail consumption dealer's location.~~

~~(3) Each retailer or retail consumption dealer shall notify the Department in writing by U.S. Mail, fax, or electronic mail and all applicable wholesalers of such sets or resets no less than (ten) 10 business days prior to the scheduled date. Participation in a scheduled set or reset by any wholesaler is completely voluntary subject to equal terms being available to all wholesalers.~~

~~(4) A set or reset may only be performed Monday through Friday from 7:00 a.m. to 7:00 p.m., excluding state holidays.~~

~~(5) During a set or reset a wholesaler may move or touch only its assigned brand labels. Wholesaler must request the retailer or retail consumption dealer to remove a brand label that is located in wholesaler's assigned space but are not brand labels assigned to wholesaler. If the retailer or retail consumption dealer declines to remove such brand labels then the shelf space shall be deemed assigned to that brand label.~~

~~(6) All notifications must include a completed form ATT-188 Notification of Beverage Reset.~~

**560-2-2-.58 Trade Practices—Point of Sale Advertising—
Repealed.**

~~(1) A wholesaler, broker, importer, or manufacturer is only authorized to distribute to a retailer, without cost, generic point of sale advertising materials for use inside the licensed premises.~~

~~(a) The materials may be provided without charge for use inside a retail location to attract consumer attention to specific beverage alcohol products. All such materials shall be available on equivalent terms to all accounts of the wholesaler.~~

~~(b) Where products are not generic point of sale advertising materials within the meaning of this regulation, or the products are intended for exterior use, such materials must be invoiced to the retailer or retail consumption dealer and paid for based upon fair market value.~~

~~(2) Generic point of sale advertising materials do not include items for use that are of a permanent or semi permanent nature, are constructed or created on the premise of a retailer or retail consumption dealer, are affixed or attached in any way to the exterior premise, and that refer specifically to a retailer or retail consumption dealer.~~

~~(3) It shall be a violation by the retailer or retail consumption dealer to use any point of sale material provided without charge on the exterior of their premises.~~

~~(4) A wholesaler, broker, importer, or manufacturer who performs any service or provides general point of sale advertising items to retailers shall make such service or items available on equal terms to all retailers or retail consumption dealers within its designated sales territories.~~

560-2-2-.59 Trade Practices — Promotional Items and Marketing Events. Repealed.

~~(1) All promotional items and marketing events are to be available on equal terms to all similar situated accounts of the sponsoring party.~~

~~(2) Banners for internal or external use at promotional events as defined by regulation may be provided at no cost to the non-licensee and may be displayed at the event. Such banners shall not refer to any specific retailer or retail consumption dealer or to the fact that a beverage alcohol business is located at or in the promotional event location.~~

~~(3) A wholesaler, broker, importer, or manufacturer may provide promotional items, excluding tobacco products, beverage alcohol, or lottery products directly to consumers on the premises of a retailer or retail consumption dealer provided that all patrons are given an equal chance for such items without charge and without any purchase being required. Permitted wholesaler, broker, importer, or manufacturer employees or agents must be present to provide the items to patrons. Such items shall be delivered concurrently with the arrival of the permitted agents or employees and such employees or agents must remove any items not distributed upon their departure.~~

~~(4)(a) A wholesaler, broker, importer, or manufacturer may not make any payment, reimbursement, or compensation of any kind or character to any retailer for any purpose, either directly or indirectly, or through a third party arrangement. A wholesaler, broker, importer, or manufacturer may conduct "marketing events" in the state of Georgia. The marketing event shall be at no cost to the participants. The person promoting or sponsoring the marketing event ("promoter") shall notify all of its accounts within its sales territories of the marketing event. If the marketing event cannot accommodate all of the accounts of the promoter, then the promoter shall timely notify all accounts and advise them that due to a limitation there will be a drawing to select which accounts will attend the event. The promoter shall provide, without cost to its accounts, a reasonably acceptable means for interested parties to~~

~~register for the drawing, or in the alternative, upon notification place all of its accounts into the drawing for selection. The promoter shall notify all accounts of the winner or winners as applicable.~~

~~(b) For purposes of this regulation the term "marketing event" shall mean any marketing activity sponsored by wholesalers, brokers, importers, or manufacturers during which the total value of all non-alcoholic items given by a wholesalers, brokers, importers, or manufacturers may not exceed \$300 per Brand in a single retail establishment in a rolling twelve month period. A "rolling" twelve month period is defined as the twelve months prior to the most recent occurrence. Wholesalers, brokers, importers, or manufacturers may not pool or combine dollar limitations in order to provide products or services to a retailer or retail consumption dealer valued in excess of \$300 per alcohol type. Further, the following are not considered "marketing events" as defined in these regulations:~~

- ~~1. Licensed Special Event as defined in Regulation 560-2-2-.43.~~
- ~~2. Trade Show as defined in Regulation 560-2-2-.55.~~
- ~~3. Promotional Events as defined in Regulation 560-2-2-.48.~~

~~(c) For two years after the date of each marketing event, wholesalers, brokers, importers, or manufacturers shall keep and maintain records of all items furnished to retailers under this regulation. Commercial records or invoices may be used to satisfy this record-keeping requirement if all required information is shown. These records shall show:~~

- ~~1. The name and address of the retailer receiving the item;~~
- ~~2. The date furnished;~~
- ~~3. The item furnished;~~
- ~~4. The wholesalers, brokers, importers, or manufacturer's cost of the item furnished (determined by the manufacturer's invoice price of the item); and~~
- ~~5. Charges to the retailer for any item.~~

~~560-2-2-.60 Sale Limitation; Delivery. Repealed.~~

~~(1) Licensed wholesalers shall sell only to licensed wholesalers, retailers or retail consumption dealers holding a valid license.~~

~~(2) All sales of beverage alcohol shall be delivered only to the premises of such retailers or retail consumption dealers by a vehicle leased, owned, or authorized by these regulations and operated by a wholesaler with a proper state issued license or permit to make sales and deliveries within the municipality or county in which the sale and delivery occurs.~~

~~(3) Beverage alcohol sold shall not be received, stored, or delivered to any other place than the premises for which a retailer or retail consumption license has been issued.~~

~~(4) It shall be a violation of these Regulations for any wholesaler to sell or deliver brands of beverage alcohol in a territory designated to another wholesaler for such brands.~~

560-2-2-.61 Facility Tours. Repealed.

~~(1) For purposes of this regulation, the term "Educational Tour" shall mean a tour conducted on the premises of a licensed brewery or winery for the purpose of educating attendees on the process of formulating, mixing, fermenting, processing, packaging, and shipping alcoholic beverages produced at the licensed facility. During such tour a "free tasting" may be conducted by the licensed brewery or winery.~~

~~(2) For purposes of this regulation, the term "Promotional Tour" shall mean a tour conducted on the premises of a licensed brewery or winery for the purpose of marketing a product to attendees based on customer service of the company or the specific processes of formulating, mixing, fermenting, processing, packaging, and shipping alcoholic beverages produced at the licensed facility. During such tour a "free tasting" may be conducted by the licensed brewery or winery.~~

~~(3) For purposes of this regulation, "Free Tasting" shall mean a properly licensed brewery or winery may provide to each attendee of lawful drinking age, for consumption on the licensed premises, and without charge of any kind, and only during or after completion of attendee participation in an educational or promotional tour, the following amounts of beverage alcohol which is brewed or aged at the licensed facility.~~

~~(a) During or after completion of a one hour educational or promotional tour in compliance with this regulation:~~

- ~~1. An attendee may receive no more than a total of twenty-four ounces (24 oz.) of malt beverage or beer from a licensed facility.~~
- ~~2. An attendee may receive no more than five ounces (5 oz.) of wine from a licensed facility.~~

~~(b) During or after completion of a two hour educational or promotional tour in compliance with this regulation:~~

- ~~1. An attendee may receive no more than thirty-two ounces of (32 oz.) of malt beverage or beer from a licensed facility.~~
- ~~2. An attendee may receive no more than fifteen ounces (15 oz.) of wine from a licensed facility.~~

~~(4) All beverage alcohol provided for the tasting shall served by a state licensed representative of the brewery or winery.~~

~~(5) No beverage alcohol may be served during or after a tour if:~~

~~(a) A brewery or winery charges a fee for providing an educational or promotional tour; or~~

~~(b) The tour of the facility is conducted on Sunday pursuant to 560 2-2.41 *Furnishing Beverage Alcohol When Sale Not Permitted; Prohibited.*~~

~~(6) The licensed facility may elect to provide non alcoholic food or beverage at no charge, either directly or indirectly, to the attendees.~~

~~(7) The attendees may, if permitted by the licensed facility, bring non alcoholic food or beverage items to the licensed facility solely for use during or following the tour, or as part of any tasting at the licensed facility.~~

~~(8) A licensed brewery or winery shall not engage in retail package or retail consumption sales on premises, directly or indirectly, of beverage alcohol at any time unless specifically exempt by regulation or the Act.~~

~~(9) No person who is a participant in a tour may bring alcoholic beverages to the licensed facility under any circumstances.~~

~~(10) Souvenirs offered for sale by a brewery or winery may be used in tastings sponsored by the brewery or winery. Provided that brewery or winery discloses to the tour participant that there are no requirements to purchase the souvenir container to participate in the tour or tasting. Such souvenir container may be used in subsequent tours of the brewery or winery.~~

**560-2-2-.62 Warehouse — Hub and Spoke Operations.
Repealed.**

~~(1) With the Department's advance approval a wholesaler may utilize leased or owned space as a staging area for the routine transfer of alcohol beverage products for delivery within the wholesaler's designated territory without additional licensing requirements subject to the following requirements:~~

~~(a) The warehouse space must be either owned or leased solely by the wholesaler.~~

~~(b) The warehouse space is not shared with any other business entity.~~

~~(c) The warehouse space must be located within a jurisdiction that allows the sale and retail consumption of alcoholic beverages.~~

~~(d) The request for authorization from the Department must contain the street address of the utilized space.~~

~~(2) The wholesaler must attest that:~~

~~(a) No business activity will occur at the facility other than the routine transfer of alcohol beverages.~~

~~(b) The facility will not be utilized for direct shipments of alcoholic beverages from shippers/manufacturers to a wholesaler.~~

~~(3) All alcohol beverages transferred at the facility will be properly invoiced prior to moving to the transfer facility.~~

~~(4) For purposes of the regulation "routine" transfer" is defined as "the simultaneous transfer of alcoholic beverage products from one wholesaler delivery truck (hub truck) to another wholesaler delivery truck(s) (spoke trucks)".~~

~~(5) At no time will alcohol beverages be allowed to remain at the transfer facility in excess of two consecutive days.~~

~~(6) Departmental approvals shall:~~

~~(a) Not extend beyond 12 calendar months for date of approval.~~

~~(b) Must be renewed annually during the license renewal process~~

~~(c) Be made a part of the wholesaler's licensing file maintained by the Department.~~

~~(d) Any changes to the original request must be submitted in writing and approved in advance.~~

**560-2-2-.63 ~~Manufacturer~~ — ~~Representatives~~
~~Authorization to Contact Wholesalers and Retailers.~~
Repealed.**

~~(1) Representatives of a manufacturer shall be authorized to contact wholesalers and retailers and retail consumption dealers for purposes of carrying on business in beverage alcohol in this State.~~

~~(2) No person shall be a representative of a licensed manufacturer unless:~~

~~(a) The employing manufacturer shall have notified the Department of the person's appointment as a representative.~~

~~(b) The representative has completed and filed under oath an application for a permit as such in the form prescribed by the Commissioner, together with the permit fee of \$10.00 annually; and~~

~~(c) The representative has received the permit for which the application is made from the Commissioner. The permit shall expire upon notice to the Commissioner by the manufacturer that it no longer employs the representative.~~

~~(3) It shall be a violation of this regulation for a representative of a licensed manufacturer to:~~

~~(a) Engage in any activity that is in violation of the laws or regulations of any federal, state, county or municipal governing authority or regulatory agency; and/or~~

~~(b) Cause beverage alcohol to be delivered to an unlicensed place of business.~~

~~(4) A representative of a licensed manufacturer violating these regulations may be cited to show cause why his or her permit should not be suspended or revoked.~~

560-2-2-.64 Wholesale Cost Price. Repealed.

~~No retailer licensee shall sell alcoholic beverages below wholesale cost price.~~

560-2-2-.65 ~~Package Sales by Retail Consumption Dealers; Prohibitions. Repealed.~~

~~(1) Retail consumption dealers shall not sell distilled spirits by the package for carryout purposes.~~

~~(2) A restaurant that is a retail consumption dealer licensee may allow a patron to remove a partially consumed bottle of wine which was:~~

~~(a) Purchased, and partially consumed in conjunction with a meal purchased from the licensee,~~

~~(b) Securely resealed with tamper resistant tape by the licensee, and~~

~~(c) Placed in a bag or container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and with a dated receipt affixed indicating the purchase.~~

560-2-2-.66 ~~Wine Special Order Shipper. Repealed.~~

- ~~(1) An applicant for a Wine Special Order Shipping License shall have an approved federal permit prior to submitting its application to the Department.~~
- ~~(2) The Wine Special Order Shipping License will allow a wine manufacturer to ship wines into the state that are:~~
 - ~~(a) "Dessert and table" wines as defined by the Act.~~
 - ~~(b) Manufactured by the applicant.~~
 - ~~(c) Registered with the Department prior to shipping.~~
 - ~~(d) Unassigned or any assigned brands to a wine Wholesaler.~~
- ~~(3) A licensee acting under this Regulation shall ensure that:~~
 - ~~(a) The shipping package is marked according to the Act.~~
 - ~~(b) That the age of the party ordering the wine is verified by appropriate documentation as specified in the Act.~~
 - ~~(c) It registers with the state for a sale tax number, and collects and remits all required state and local tax in accordance with the Code.~~
 - ~~(d) It files all appropriate forms as prescribed by the Commissioner and state law.~~
 - ~~(e) It maintains a copy of all invoices for wine shipped to Georgia consumer for three (3) years from the date of invoice.~~

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO DIVISION**

CHAPTER 560-2-3

560-2-3-.01 Producer. Amended. Repealed.

~~"Producer" shall mean:~~

~~(a) any manufacturer, distiller, processor, rectifier, or bottler of distilled spirits. It shall also mean an importer engaged in importing into the United States, if the Commissioner is satisfied that he can, through such importer, effectively regulate the quality and purity of distilled spirits to be sold within the State of Georgia; or~~

~~(b) any entity holding a valid manufacturer's license or grower's license issued by the Department pursuant to the Act and regulations and authorized to manufacture distilled spirits in Georgia; or~~

~~(c) any entity who has no distillery, factory or plant in Georgia but is registered with the Commissioner pursuant to Section 560-2-3-.22 of these Regulations.~~

**560-2-3-.05 ~~Correct Labeling; Private Label. Amended.~~
Repealed.**

~~All producers both licensed and registered are required to correctly label all goods handled by them including the bottles, containers and cases. Any private label of any distilled spirits to be offered for sale within this State must receive prior approval of the Commissioner.~~

560-2-3-.09 ~~Non-Registered — Brands. — Amended.~~
Repealed.

~~No person shall move or cause to be moved into Georgia or receive, hold, purchase, give away, sell, or offer to sell in Georgia any distilled spirits and alcohol unless the brand thereof shall have first been registered with and approved by the Commissioner or his agent as provided in Regulation 560-2-3-.24.~~

560-2-3-.11 ~~Restriction against Law Enforcement Agents. Amended. Repealed.~~

~~No license, permit or registration shall be issued or recorded which will permit or entitle any person who is a law enforcement agent of the United States or of Georgia or of any county or municipality therein to engage in or derive remuneration or profit from the operation of any businesses regulated under the Act.~~

560-2-3-.12 Specification of Premises. Repealed.

~~(1) Licenses for on premises consumption outlets shall be displayed at each such premises. The term "premises" shall mean one physical identifiable place of business consisting of one room, or two or more contiguous rooms operating under the same trade name where distilled spirits by the drink are sold. On premises outlets which cannot be determined as one identifiable place of business shall require additional licenses regardless of such establishments having the same trade name, ownership, or management; provided nothing herein shall require additional licenses for service bars, or portable bars used exclusively for the purpose of mixing or preparing such drinks when such bars are accessible only to employees of the licensed establishment and from which drinks are prepared to be served on the licensed premises.~~

~~(2) Licensees for on premises consumption outlets in hotels and motels shall be permitted to cater hotel and motel functions in ballrooms, meeting rooms, reception rooms, or patio areas of such hotel or motel provided such functions are catered in connection with a meeting, conference, convention or similar type gathering at such hotel or motel.~~

**560-2-3-.13 ~~Prima Facie Contraband. Amended.~~
Repealed.**

~~Distilled spirits kept, stored or found on any premises (except State warehouses, place of businesses of warehouses of licensees under the Act) shall be prima facie contraband and subject to confiscation unless it can be shown that they lawfully belong to a person not licensed under the Act.~~

~~560-2-3-.16 Record of Materials Received, Including Affidavit Regarding Georgia Products; Length of Time all Records Must be Maintained. Amended. Repealed.~~

~~Licensed producers shall maintain a record of all materials received on the licensed premises for use in the production of distilled spirits, showing the date of receipt, the name of the person from whom received and the kind and quantity of each material received. Where the licensed producer claims that the materials used are Georgia products, the record required in this Section shall also include an affidavit of the person from whom received that same are Georgia products. Where commercial invoices, bills of lading or prescribed forms contain the required information, a separate record will not be required. Such records, commercial invoices or bills of lading shall be kept available for inspection by the Commissioner at all times during regular business hours. The records required by this Section and all other records required of licensed producers shall be kept and maintained for a period of seven (7) years unless upon written application therefor the Commissioner has authorized otherwise.~~

**560-2-3-.17 Separation of Georgia Products. Amended.
Repealed.**

~~On all premises of any licensed producer all materials which are Georgia products shall be kept separate from materials which are not, and distilled spirits manufactured from Georgia products shall be kept separate from distilled spirits manufactured from other than Georgia products.~~

~~560-2-3-18 Compliances with Transportation Rules and Regulations. Amended. Repealed.~~

~~A licensed producer in transporting distilled spirits to points within Georgia shall comply with the rules and regulations of the Commissioner pertaining to licensed wholesalers and, in transporting distilled spirits to points outside of Georgia, he shall comply with the laws, rules and regulations of all states through or in which such transportation takes place.~~

**560-2-3-.19 ~~Intra-State Transportation Via
Licensed Common Carriers. Amended. Repealed.~~**

~~A licensed producer shall ship or move, or cause to be shipped or moved, any distilled spirits from his licensed premises to a point in Georgia only by Licensed common carriers or in vehicles owned by him or in trucks owned by licensed Georgia wholesalers as specified in Regulation 560-2-3-.29.~~

**560-2-3-.20 Monthly Reports of Production. Amended.
Repealed.**

~~Every licensed manufacturer located within the State shall file a monthly report with the Commissioner on such forms as the Commissioner may prescribe, setting forth all purchases of production materials and purchases of distilled spirits in bulk, beginning and ending inventories of distilled spirits on hand, distilled spirits produced during the calendar month and any other information as the Commissioner may deem necessary. The monthly reports shall be filed with the Commissioner not later than the fifteenth (15th) day of the calendar month following such transaction and shall have attached thereto exact copies of each of his reports to the United States Treasury Department and any other documents that the Commissioner may require.~~

**~~560-2-3-.22 Registration of Out-of-State Producers
Registration Fees; Additional Brand Registrations.
Repealed.~~**

~~(1) No person shall be a registered producer unless it has made application to the Commissioner, secured from the Commissioner approval thereof and of all its brands of distilled spirits to be shipped into Georgia, and met the requirements for a license and bond as provided in Section 560-2-3-.23.~~

~~(2) Each application for registration shall be accompanied by a registration fee in the sum of one hundred dollars (\$100) annually and the registration fees for not over ten brands. Any brand registration shall be on such conditions as the Commissioner may impose. No producer shall present for registration at any one time more than ten brands of distilled spirits. The registration fee for each additional brand of distilled spirits registered by a producer in excess of ten registered by him shall be ten dollars (\$10) annually.~~

560-2-3-.23 License Application; Bond. Repealed.

~~Any person desiring to be licensed as a registered producer shall make application on forms furnished by the Commissioner, under oath, answer all questions, supply all information, and furnish all certificates, affidavits, bonds and other supporting data, as required thereby. The written application for the license shall be a permanent record which the licensee must maintain current as required by Section 560-2-2-.09 of these Regulations. Each licensed producer shall annually post with the Commissioner a bond with security approved by the Commissioner, in the amount of \$10,000 conditioned upon the prompt payment of all sums which may become due to the State of Georgia as taxes, license fees, rental charges, forfeitures, or otherwise, by reason of or incident to, the operation of said business and conditioned upon the faithful compliance with all laws, rules and regulations governing the manufacture, sale or distribution of distilled spirits in this State. The bond is to be in such form as the Commissioner may prescribe.~~

**560-2-3-.24 Designation of Sales Territories. Amended.
Repealed.**

~~(1) Regulation of the business relations between wholesalers of manufacturers, shippers, or brokers of distilled spirits is necessary and appropriate:~~

~~(a) to prevent unfair business practices, discrimination and undue control of such wholesalers by such manufacturers, shippers, or brokers;~~

~~(b) to foster vigorous and healthy competition in the distilled spirits industry; and (c) to promote and keep alive a sound and stable system of distribution of distilled spirits to the public.~~

~~(2) Every manufacturer, shipper, or broker shall submit with his application for license, one label for each brand of distilled spirits to be shipped for the first time by the shipper into, or within, the State and shall designate in the application for registration, sales territories for each of its brands or labels sold in Georgia, and shall name one licensed wholesaler in each territory who, within such territory shall be the exclusive distributor of such brand or label within such territory. Such designations of wholesalers, or wholesalers' territories shall be initially approved by the Commissioner and shall not be changed nor initially disapproved except for cause, and the Commissioner shall determine cause after a hearing pursuant to these Regulations.~~

~~(3) Every manufacturer, shipper or broker desiring to register additional brands or labels subsequent to the initial registration of brands or labels must submit such request to the Commissioner thirty (30) days in advance; and at the same time, furnish a copy of the request for such additional designations to the wholesaler or wholesalers previously designated by such manufacturer, shipper, or broker if such subsequent designations of such subsequent brands or labels is to a wholesaler different from the wholesaler designated for other brands or labels of such manufacturer, shipper, or broker. The initially designated wholesaler shall have thirty (30) days from receipt of the additional designations from the manufacturer, shipper, or broker in which to object to the~~

Commissioner to such additional wholesaler designees, and if no such objection is filed with the Commissioner within such thirty (30) days, the right to such objection shall be waived. Objections shall state the specific reasons which form the basis of the objection. Any brands or labels previously registered in this State, and which have subsequently been withdrawn from distribution in this State, shall be treated in the same manner as additional brands or labels and subject to the provisions hereof. Provided, however, this section shall not apply if the previously registered brands or labels have been withdrawn from distribution in this State for a period in excess of four (4) years in which case the application to register the brand or label shall be considered an initial application as provided by this Title and Section (2) of this Regulation.

(4) If an objection is filed pursuant to paragraph (3) above within the thirty (30) day period, or upon his own motion, the Commissioner shall set a hearing on such matter and give notice to the initially designated wholesaler, the proposed designated wholesaler for additional brands or labels, and the manufacturer, shipper or broker. If it is determined from the evidence adduced at said hearing that the brand or label involved is the same as, or similar to, or is such a modification of, substitution of, upgrade of or extension of a brand or label which has already been registered by the manufacturer, shipper, or broker so as to render it unjust or inequitable (without cause being shown) to designate the brand or label to a wholesaler different from the wholesaler designated for the brand or label being so modified, substituted, upgraded or extended, then such request shall be denied; provided, however, that nothing herein shall be construed to prevent the manufacturer, shipper, or broker from treating the matter as a desire to change wholesalers, and from proceeding under the provisions of paragraph (5) below, either before or after such determination.

(5) Any manufacturer, shipper, or broker desiring to change wholesalers with respect to any brand or to change the territory of a designated wholesaler, shall file with the State Revenue Commissioner, a Notice of Intention containing such of the following information as is applicable:

- (a) ~~the name of each brand involved;~~
- (b) ~~the case volume in Georgia for each brand for the current year and the two previous years;~~
- (c) ~~the name of the wholesaler currently distributing each such brand;~~
- (d) ~~the name of the proposed new wholesaler, and proposed scope of his sales territory, if less than or different from that of the currently designated wholesaler;~~
- (e) ~~the case volume of all brands of the proposed new wholesaler for the current year and the two preceding years;~~
- (f) ~~the name of all persons, firms or corporations having any financial interest in the proposed new wholesale business;~~
- (g) ~~whether or not any person, firm or corporation named in (f) above has any financial interest in any other business engaged in the sale of distilled spirits and the extent and nature of such interest together with the name and location thereof;~~
- (h) ~~a detailed explanation of the specific business reasons for the request to change wholesalers or to change the territory of a designated wholesaler. Business reasons which may be considered by the State Revenue Commissioner in determining cause for authorizing a change of wholesalers or to change the territory of a designated wholesaler include:~~
 - 1. ~~a wholesaler's bankruptcy or serious financial instability, including its failure consistently to pay its debts as they fall due or its failure to meet or maintain any objective standards of capitalization expressly agreed to between the wholesaler and the manufacturer, importer, producer, or broker, provided such standards are determined by the Commissioner to be reasonable;~~
 - 2. ~~a wholesaler's repeated violation of any provision of federal or state law or regulation whether or not such violation resulted in official action;~~
 - 3. ~~a wholesaler's failure to maintain sales volume of the brand reasonably consistent with the sales volumes of other wholesalers of that brand, or a wholesaler's failure otherwise to promote the product effectively;~~

4. any other factors relevant to such proposed change and which will aid the Commissioner in determining cause.

(6) At the same time that the original Notice of Intention is filed with the State Revenue Commissioner, a copy thereof shall be served by the manufacturer, importer, producer, or broker, upon each wholesaler who may be affected by the proposed changes and a certificate of such service shall accompany the original Notice of Intention filed with the State Revenue Commissioner.

(7) Within thirty (30) days after such Notice of Intention is filed, any person, including the State Revenue Commissioner, may interpose written objections thereto. Such written objections, containing reasons therefore, shall be filed in the office of the State Revenue Commissioner and copies thereof shall be served by the objecting party upon the party proposing the change and upon all wholesalers who may be affected by the proposed change.

(a) Upon the request of any party or upon his own motion, the State Revenue Commissioner shall hold a hearing, after providing due notice to all parties concerned, for the purpose of determining the truth of any matters of fact alleged by any party and determining whether the proposed changes are based upon sufficient cause and are otherwise consistent with the policies set out in paragraph (1) above.

(b) No proposed change will be approved:

1. which will tend to create a monopoly or lessen competition with respect to any type of distilled spirits or with respect to case volume generally. Any transfer which would place in any one wholesale house or controlled ownership group 25% or less of the case volume of all distilled spirits sold in Georgia will be conclusively presumed to be such as would not tend to create a monopoly and lessen competition. Any proposed change which would place in any one wholesale house or controlled group more than 25% of the case volume of all distilled spirits sold in Georgia will be conclusively presumed to be such as would tend to create a monopoly and lessen competition.

2. which is based upon the failure or refusal of a wholesaler to comply with any demand or request of a manufacturer, importer,

~~producer, or broker which would result in a violation of any provision of federal or state law or regulation.~~

~~(e) During such thirty (30) day period, and until the proposed changes have been finally approved by the State Revenue Commissioner, the party proposing the change shall continue to supply the designated wholesaler, upon commercially reasonable terms, such reasonable quantities of the brand involved as the wholesaler may require.~~

~~(8) If no objection is filed to the Notice of Intention as provided in paragraph (7) above, the proposed changes shall stand automatically approved by the State Revenue Commissioner at the expiration of such thirty (30) day period.~~

~~(9) Any manufacturer, shipper, or broker who obtains or acquires in any manner, the right to sell, ship, or distribute any brand or label shall for the purpose of these Regulations stand in the place of, and be subject to, all of the rights, privileges, duties and obligations of its predecessor or its predecessors from whom such brands or labels were obtained or acquired.~~

~~(10) The terms, conditions and requirements of these Regulations are hereby expressly made a part of the terms of each license granted by the State Revenue Commissioner to manufacturers, shippers, or brokers, and by the application for, the acceptance of, or the conduct of business under any such license a manufacturer, shipper, or broker consents to, and agrees to comply with the terms, conditions and requirements of these Regulations. This paragraph is a codification of existing laws, regulations and policies, including but not limited to appearing before the Commissioner to provide testimony and to produce documents or records in connection with any investigation or hearing conducted pursuant to these Regulations.~~

560-2-3-.32 Requirements for Salespersons and Representatives of Wholesalers. Repealed.

~~(1) No person shall be a salesperson or representative of a licensed wholesaler unless:~~

~~(a) The employing wholesaler shall have notified the Department of the person's appointment as a salesperson or representative;~~

~~(b) The salesperson or representative has completed and filed under oath an application for a permit as such in the form prescribed by the Commissioner, together with the permit fee of \$10.00 annually; and~~

~~(c) The salesperson or representative has received the permit for which the application is made from the Commissioner. The permit shall expire upon written notice to the Commissioner by the wholesaler that it no longer employs the salesperson or representative.~~

~~(2) It shall be a violation of this regulation for a salesperson or representative of a licensed wholesaler to:~~

~~(a) Engage in any activity that is in violation of the laws or regulations of any federal, state, county or municipal governing authority or regulatory agency; and/or~~

~~(b) Cause distilled spirits to be delivered to an unlicensed place of business.~~

~~(3) A salesperson or representative of a licensed wholesaler violating these regulations may be cited to show cause why his or her permit should not be suspended or revoked.~~

560-2-3-.33 Transportation of Distilled Spirits; Vehicle Requirements; Itemization of Cargo. Amended. Repealed.

~~(1) Except for military deliveries as provided in Rule 560-2-6-.05 of these Regulations and except for emergency movements as provided in Rule 560-2-2-.19 of these Regulations, all transportation of distilled spirits from one point within Georgia to another within Georgia shall be by common carrier. A licensed wholesaler may only transport distilled spirits in vehicles owned, or leased, by such wholesaler or in vehicles owned, or leased, and operated by a wholesaler's employee. Any vehicle used to transport distilled spirits, whether owned by the wholesaler or by an employee of a wholesaler, shall be properly identified. Proper identification shall include either the wholesaler's trade name or state license number in a conspicuous place on the two sides of the vehicle in letters not smaller than one inch wide and two inches high. Each wholesaler shall notify the Commissioner of the type and content of marking utilized.~~

~~(2) Transportation of distilled spirits shall be made only on weekdays and each shipment shall be accompanied by an invoice or itemized list thereof showing in detail the number of cases, the size of containers, type, brand and price of distilled spirits included in such shipment and the point of origin and the point of destination thereof.~~

~~(3) When any such vehicle is transporting distilled spirits, no other goods, wares, merchandise or property of any description, except wines, beer, not limited to paper bags, swizzle sticks, plastic glasses, paper glasses, recipe books, point of sale advertising material, empty carafes and decanters shall be carried therein.~~

~~(4) No licensed wholesaler shall transport, or cause to be transported, any distilled spirits to any point outside this State without the special approval of the Commissioner.~~

560-2-3-.34 Sales Reports. Repealed.

~~(1) Every licensed wholesaler shall report each month to the Department of Revenue on or before the fifteenth (15th) day of the next month, the following information with respect to distilled spirits on forms furnished by the State Revenue Department.~~

~~(a) Report of sales in liters, gross dollar value before any discount and gross dollar value after any and all discounts, to each licensed retail dealer or retail consumption dealer licensee, his license number and his place of business, county and county number.~~

~~(b) Report of receipt of distilled spirits from all licensed shippers.~~

~~(c) Any other information the Commissioner may deem necessary.~~

~~(2) In addition to the requirements of paragraph (1) of this Regulation, every licensed wholesaler shall maintain at his place of business all invoices, bills of lading, reports, books, papers, and documents of whatever nature involving all transactions relating to the purchase, sale, distribution, storage or handling of distilled spirits in any manner for a period of not less than three years or until permission for disposal of such records is obtained in writing from the Commissioner. Such records shall include but not be limited to the following:~~

~~(a) report of sales to each authorized military outlet, its outlet number and its location;~~

~~(b) report of breakage or other loss in liters and dollar value, with a detailed explanation of any unusual loss; and~~

~~(c) report of sales or transfers to wholesale distributors by license number in liters and dollar value.~~

560-2-3-.35 Retail Dealer License. Repealed.

~~(1) Every applicant for a State license as a retail dealer of distilled spirits shall comply with the requirements and qualifications set forth in Rule 560-2-2-.09 of these Regulations and this Rule. The requirements and qualifications herein are cumulative and not in lieu of any requirements and qualifications of Rule 560-2-2-.09.~~

~~(2) In all cases where the owner of such business is a resident individual, the application shall be made in that name. Where the owner is a partnership, association, or non-resident of a county or municipality in which the sale of distilled spirits is authorized, the application shall be made in the name of a resident officer of a county in which the sale of distilled spirits is authorized, partner or associate owning a substantial interest in the business or in the name of the principal resident managing officer, and the application shall show that the license is for the use of the owner, and the owner shall be named, and both shall be bonded. In the event the owner is a corporation or fraternal organization the application may be submitted as set forth in Rule 560-2-2-.09 of these Regulations.~~

~~(3) A separate retail dealer license shall be required for each place of business.~~

~~(4) The requirement that an applicant's license be for the same location may be waived where the location previously occupied was lost as the result of the judgment of a court of general jurisdiction involving no fault or default of the person under whom the applicant had occupied the premises, the condemnation of the property by an authority having the power of eminent domain or the due acquisition of the property of such authority under the threat of condemnation. The requirement that an applicant's license be for the same location may be waived where the net effect of the proposed change is to reduce the number of package stores attributed to a person, or in which an applicant and his family holds an interest.~~

~~(5) No retail license shall be approved where the licensee pays to any person, firm or corporation, any rent, management fee, or other payment based on the profits or sales of such licensed store. Every~~

~~applicant for a retail license shall attach to his application a copy of his lease if the applicant is leasing the building or the land, and in the event the agreed rent payments are other than fixed amounts which are reasonable for the area and consistent with rent paid for similar accommodations by other retail business establishments, the application will be denied.~~

~~(6) All leases shall be in writing and for a term not less than the period of such license, and in the event the lease is terminated for any reason, the retail license shall be terminated immediately.~~

~~(7) Application for a retail dealer liquor license shall include a certificate, or scale drawing, of a registered surveyor that such location complies with the Act in regard to distance from an alcohol treatment center, church or school.~~

560-2-3-.36 Products Other than Distilled Spirits for Sale, Display, or Offer. Repealed.

(1) No retailer shall sell, offer for sale, display or keep in stock for sale or furnish at its licensed premises where distilled spirits are offered for sale, any other products or services except the following:

- (a) Wines, but only if the retailer holds a valid and current license to sell wine at said place of business;
- (b) Malt beverages, but only if the retail dealer holds a valid and current license to sell malt beverages at said place of business;
- (c) Cigarettes, cigars, chewing tobacco, snuff, cigarette papers, lighters and matches, chewing gum and breath mints, manufactured packaged consumable single-serving snack items not requiring any preparation for consumption, single-serving pain medications and over the counter birth control devices;
- (d) Beverages containing no alcohol and which are commonly used to dilute distilled spirits;
- (e) Packaged ice, ice chests, and coozies (individual can and bottle coolers). The term "packaged ice" shall refer only to ice in packages of five pounds or greater that is in compliance with Georgia Department of Agriculture Rule 40-7-1-.08, *Food from Approved Source*, relative to source of ice and packaging and that such packaging is labeled in accordance with Georgia Department of Agriculture Rule 40-7-1-.26 *Labeling*.
- (f) Paper, styrofoam, or plastic cups; wine and distilled spirits gift bags which are limited to a size to accommodate one 750-ml size bottle and contain only products approved for sale or display by this regulation;
- (g) Lottery tickets issued by the Georgia Lottery Corporation and any approved Georgia Lottery Corporation lottery materials, provided such retailer has been approved by and is in good standing with the Georgia Lottery Corporation.
- (h) Bar supplies, limited to:
 - 1. Corkscrews, openers, straws, swizzle stirrers, and bar related containers and wares made of glass, plastic, metal or ceramic materials.

~~2. Cocktail olives, onions, cherries, lemons, limes and sugars or salts produced and marketed specifically for the preparation of alcohol beverage drinks.~~

~~3. Beverage alcohol drink recipe booklets, bar guides, and consumer-oriented beverage alcohol publications.~~

~~(i) Products co-packaged with alcoholic beverages provided that such products are limited to items approved for sale or display by this regulation, are offered for sale and sold as a single unit, and do not include more than one type of alcoholic beverage product;~~

~~(j) Check-cashing services arising out of the sale of alcoholic beverages;~~

~~(k) Automated teller machine service for customer use; and~~

~~(l) Gift Certificates for use at the issuing licensed retailer.~~

~~(2) Should a retail dealer elect to sell malt beverages or wine as provided in this regulation, such retailer shall be subject to all laws and regulations pertaining to the sale of distilled spirits including, but not limited to, hours of sale and days of sale.~~

~~(3) Beverages containing no alcohol and commonly used to dilute distilled spirits as provided in subsection (d) of paragraph (1) may be dispensed through the use of vending machines, but no beverage alcohol shall be dispensed through such vending machines.~~

**560-2-3-.37 Place of Sale or Delivery of Goods.
Repealed.**

~~(1) No retail dealer shall sell or deliver any distilled spirits to any person except in said retail dealer's place of business. When a retail liquor store is operated in connection with a retail beer and wine store by the same owner and licensee, the registering of a sale on a common register shall not be construed to be selling or delivering.~~

~~(2) It shall be permissible for a retail dealer to have a drive in window and it shall be permissible for the licensee or any of his employees to deliver distilled spirits through such window.~~

~~(3) A retail dealer is permitted to load purchased goods in a customer's vehicle when the sale has previously taken place and monies have been exchanged inside the place of business. No mechanical devices or contrivances may be used for delivery of or loading of merchandise into a customer's vehicle.~~

~~(4) "Curb service" type sales and sales to patrons in vehicles parked in the parking areas of the places of business are prohibited.~~

~~560-2-3-.39 Restriction to Retail Dealer; Storage of Inventory. Repealed.~~

~~No licensed retail dealer shall keep any distilled spirits stored in any bonded or other warehouse, nor shall he enter into any agreement whereby distilled spirits ordered by him are stored for him by any licensed wholesaler. A licensed retail dealer shall keep no inventory or stock of distilled spirits at any place except his licensed place of business, and within his licensed place of business his storage space for distilled spirits shall be immediately adjacent to the room in which he is licensed to do business. Provided said storage space has a door leading directly to the outside, said door shall be so equipped that it may only be unlocked and opened from the inside, and shall be opened only while accepting delivery of goods from a licensed wholesaler. No other opening leading directly to the outside shall be permitted. It shall be permissible to store other products, which the licensee is legally permitted to sell, in the same storage space as prescribed above. This Section, however, is subject to the provisions of Section 560-2-2-.19 of these Regulations which provides for the emergency movement of distilled spirits.~~

~~560-2-3-.42 New Ownership or Financial Interest in Distilled Spirit Licensee's Business. Repealed.~~

~~(1) New ownership or new financial interests in a wholesale licensed business will not be approved when such proposed or new acquisition tends to create a monopoly or lessen competition with respect to any type of distilled spirits or with respect to overall case volume. An acquisition that would place in a controlled ownership group more than twenty five percent (25%) of the case volume of all distilled spirits sold in Georgia will be considered to be a monopoly, an arrangement to lessen competition, and in violation of these Regulations.~~

~~(2) When there is common ownership or financial interest, either direct or indirect, in wholesale licensed businesses, all such businesses shall be deemed a controlled ownership group.~~

**560-2-3-.43 Consumption — on — Premises — Retail,
Contiguous Operation. Repealed.**

~~(1) A person holding a valid state license for the sale of any beverage alcohol where such products are consumed on the premises and a valid retail liquor license at locations where the premises of each place of business is contiguous to the other, may have a door between the retail place of business and the consumption on premises place of business subject to the following conditions:~~

~~(a) Each place of business must hold a proper license.~~

~~(b) Each place of business must operate in compliance with all laws and regulations applicable to such business.~~

~~(c) The door between the places of business must be closed and locked during days and hours when the operation of either place of business is prohibited.~~

~~(d) Each place of business must have a separate entrance for the public and no common entrance shall be permitted.~~

~~(e) Each place of business shall have a trade name which shall not be the same for both places of business.~~

~~(f) Any storage room for the retail place of business shall be in compliance with all rules and regulations pertaining to such retail place of business.~~

~~(g) A sale may not be consummated or delivery made of package liquor except in the retail place of business.~~

~~(h) Only the licensee of each place of business or his employees shall be permitted ingress and egress through the passage way or door separating the two places of business, and all such persons must have a proper personnel statement on file with the Department at all times.~~

~~(i) A separate cash register shall be maintained in each place of business and all business transactions shall be kept separate.~~

~~(j) The passage way or door between the two places of business shall be located behind the bar or service counter of each place of business or otherwise so situated or maintained as to be accessible only to the licensee or his employees and such passage way or door shall not be used by customers, patrons, or any other persons~~

~~not permitted by this Regulation. Any connecting door or passageway which is not located behind the bar or service counter of each place of business must be specially approved by the Commissioner, and there shall be permanently affixed on or beside such door or passageway a sign in letters at least two inches in height stating, "Employees Only May Use This Door Revenue Regulations 560-2-3-43".~~

~~(2) It is the express intent of this Regulation that if a retail liquor store is operated adjacent to an establishment which sells beverage alcohol for consumption on the premises as provided in Section (1) of this Regulation, with an inside connecting service door, such retail liquor store shall remain a distinct and separate business entity, and the retail liquor store is hereby declared to be a separate premise from the establishment which sells beverage alcohol for consumption on the premises.~~

~~(3) An establishment licensed to sell beverage alcohol for consumption on the premises in accordance with Section (1) of this Regulation may sell items commonly associated with such establishments including potato chips, prepared food, snacks, soft drinks, cigarettes, cigars, lighters and accessories, and similar items but shall not sell items not commonly associated with such establishments. It shall be a violation of this Regulation for any licensee to sell, offer to sell or keep for the purpose of sale any item not commonly associated with such establishment and such prohibited items shall include but is not limited to guns, ammunition, knives, weapons of any character, gambling paraphernalia including playing cards or dice, non immediately consumable items including groceries or any other items not commonly associated with the consumption of beverage alcohol or establishments licensed for the sale of such beverage alcohol for consumption on the premises.~~

560-2-3-.45 Wholesaler to Post Prices. Repealed.

~~(1) Every licensed wholesaler of distilled spirits shall post with the Commissioner a price list of all Alcohol Types, Brands, Brand Labels and sizes of distilled spirits being handled by him for each designated sales territory. Such price list shall be posted in writing and also include trade name, address, license number, date, and name of producer as registered with the Department, F.O.B. price from producer and wholesale price charged to retail or retail consumption licensees. Price postings shall be submitted on Department Form ATT 10 or similar computer printout. Amendments to price lists may be posted at anytime subject to the provisions of Regulation 560-2-3-.46.~~

~~(2) Quantity discounts, including cash or merchandise, may be posted separately with the Commissioner at any time subject to the provisions of Regulation 560-2-3-.46. Quantity discounts shall be for the same Alcohol Type and Brand as required to be purchased to participate in the quantity discount posted. Quantity discounts as provided herein may not be used as a device or subterfuge to circumvent the provisions of Regulation 560-2-2-.16.~~

~~(3) Every wholesaler, or wholesaler employee, when calling on retail or retail consumption licensees for the purpose of conducting business, shall have in their possession, and available to such licensee, prices as posted with the Commissioner.~~

560-2-3-.46 ~~When Prices Are Effective. Repealed.~~

~~All prices shall be in effect at the beginning of the business day on the Monday following the date of posting and shall remain in effect until amended; however, such prices may not be amended within a period of less than 14 days from the previous effective date of posting.~~

**560-2-3-.48 ~~Size of Container Purchased.~~ Amended.
Repealed.**

~~No retail consumption dealer licensee may purchase distilled spirits which exceed 10% alcohol by volume in containers smaller than 750 milliliters. The sale of distilled spirits by a retail consumption dealer licensee in unbroken packages or in any quantity for other than consumption on the premises is expressly prohibited.~~

**560-2-3-.50 ~~Distilled Spirits Quantity Discounts.~~
Repealed.**

~~Quantity discount prices for distilled spirits may continue for a maximum of sixty (60) calendar days from the initial date of sale and delivery of the product to the retailer or retail consumption dealer provided the applicable price posting specifically notes the availability of the extended discount price on specific products. The quantity discount price shall be available to all retailers and retail consumption dealers within the wholesaler's sales territory.~~

~~560-2-3-.61 Alcohol; Ethyl Alcohol; Definition; Purpose; License Required; Inspection; Records; Motor Fuel Registration; Applications Permanent Record. Repealed.~~

~~(1) The words "alcohol" or "ethyl alcohol" mean the product of distillation of any liquid, whether rectified or diluted, whatever may be the origin thereof, and shall include synthetic ethyl alcohol as described in Ga. Laws 1925, pp. 297, 298, or any other such similar product by whatever name called.~~

~~(2) The regulation of the manufacture or importation of ethyl alcohol to be used for nonbeverage scientific, chemical, mechanical, industrial, medicinal or culinary purposes is necessary and appropriate to ensure that ethyl alcohol manufactured or imported for the above stated purposes is not directed to use as a beverage, or as a distilled spirit in contravention of law and evasion of federal, state and local excise taxes and license fees; and to promote the public health, safety and welfare in keeping a potentially harmful and dangerous product from being consumed by humans.~~

~~(3) Every person, firm, corporation or organization desiring to import or manufacture non-beverage ethyl alcohol exclusively for any of the uses enumerated in Section (2) above shall first obtain a license by completing an application in duplicate, for a nonbeverage distillery, manufacture, or importer license on forms furnished by the State Revenue Commissioner.~~

~~(4) Each application for a non-beverage manufacturer's, distiller's, or importer's license shall include, in duplicate, a personnel statement and fingerprint cards for each owner or owners, and principal employees such as manager, foreman, superintendent, etc., as appropriate, and such other information as the Commissioner may reasonably require. In addition, such application shall include the following:~~

~~(a) an accurate and precise description of the exact location where any non-beverage manufacturing or importing facility is to be located;~~

~~(b) a copy of a valid Operating Permit or other proper authorization issued to the applicant by the Bureau of Alcohol, Tobacco and Firearms, U.S. Treasury Department;~~

~~(c) a copy of approval from all applicable local governing authorities for the construction and operation of the non-beverage manufacturing or importing facility.~~

~~(5) When all of the requirements of paragraphs (3) and (4) of this Regulation and all other legal requirements are met, licenses for the non-beverage manufacture or importation of ethyl alcohol solely for non-beverage use shall be issued by the State Revenue Commissioner at no cost to the applicant in order to encourage citizens of this State to seek alternate energy sources, and to seek other uses of Georgia agricultural products, thereby enhancing the general economy of the State of Georgia. Any such license issued by the State Revenue Commissioner shall be valid so long as all requirements of the law and regulations continue to be met but shall become void on December 31 of the calendar year in which such licenses are issued; provided however, that the Commissioner may authorize licensees who have filed application for license renewals to operate until such licenses shall have been issued or denied.~~

~~(6) Each non-beverage manufacturing or importing facility issued a license pursuant to this Regulation shall be subject to inspection by federal, state and local law enforcement officers at all times.~~

~~(7) Each licensee shall maintain all invoices, bills of lading, reports, books, papers, or documents of whatever nature involving all transactions relating to the purchase, sale, distribution, storage, manufacture, importation or handling of ethyl alcohol in any manner. Such records and documents shall be maintained at the licensee's place of business for a period of three (3) years unless permission for disposal of such records prior to the expiration of three (3) years is obtained in writing from the Commissioner.~~

~~(8) Each licensee manufacturing or importing ethyl alcohol for use as fuel shall be properly registered with Motor Fuel Tax Division of the State Revenue Department.~~

~~(9) All license applications shall be a permanent record and all licensees shall comply with and be subject to the provisions of Section 560 2-3 .12 of these Regulations.~~

~~(10) Licenses may be denied by the Commissioner to any applicant who has been convicted of any crime involving the illegal sale or manufacture of beverage alcohol.~~

~~(11) The failure of any person, firm, corporation or organization holding such license under these Regulations to meet any obligations imposed by any tax laws of the State of Georgia or to otherwise comply with any requirements of law shall be grounds for suspension or revocation of such license.~~

**560-2-3-.63 Monthly Report; Remittance of Taxes.
Repealed.**

~~Taxes imposed on all distilled spirits and alcohol manufactured, imported, sold, possessed, delivered, purchased, used, consumed, handled, or offered for sale within this State shall be collected from wholesale dealers by use of a reporting system. Every wholesaler shall file a monthly report with the Commissioner, in such format or manner as the Commissioner may reasonably prescribe, setting forth distilled spirits and alcohol purchases for each calendar month, beginning and ending inventories for each calendar month and such other information as the Commissioner may require to describe the complete transactions, and each wholesaler shall file such report no later than the 10th day of each month for the preceding calendar month's transactions. Such report shall indicate the total disposition of distilled spirits and alcohol during the report period, and the proper tax remittance for all transactions shall be attached to the report.~~

560-2-3-.64 Responsibility for Taxes. Repealed.

~~When one wholesale dealer sells or transfers distilled spirits and alcohol to another wholesale dealer, the seller shall indicate on the sales invoice that such distilled spirits and alcohol are tax paid by the seller, and such seller shall include such transaction on the seller's monthly report and such seller shall remit the proper tax with such report.~~

560-2-3-.65 Inventories. Repealed.

~~Every licensed wholesaler shall prepare a report, on such form as the Commissioner may prescribe, setting forth the total liters by tax category, of distilled spirits and alcohol on hand as of close of business January 31 and July 31 of each year, and at any other time as directed by the Commissioner or by any authorized agent of the Commissioner. Such wholesaler shall file such report with the Commissioner no later than 10 days following taking of such inventory. A detailed record of the physical inventories, broken down by Brand, type and size must be available at all times at the wholesaler's licensed premises for verification by employees of the Commissioner.~~